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ABSTRACT

Intended for college students, the document is a worktext on planning educational services for handicapped students. Each of three units includes narrative and learning experiences with information specified on required learning experiences as well as optional activities. Unit I focuses on historical and legal perspectives on services for the handicapped, with particular attention to federal legislation as well as Texas laws concerning special education. Appended in this unit are definitions of handicapping conditions from P.L. 94-142, the Education for All Handicapped Children Act. Unit II centers on the team approach to working with special children and contains information on relationships with paraprofessionals, parents, and the community. Suggestions for working with parents and a listing of organizations for parents are appended. The third and final unit deals with the child-centered educational process, which includes aspects of identifying, assessing, developing individualized education programs, designing and carrying out individualized instruction, and procuring related services. Appended information includes a discussion of the referral process. Case examples are reported throughout. (CL)

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EC 160 887

PROGRAM PLANNING
FOR THE SPECIAL CHILD

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PROGRAM PLANNING FOR THE SPECIAL CHILD

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General Instructions for Learning Experiences

The Learning Experiences in this course include reading the text, answering the questions included in the text and being prepared to discuss what you have read in class. An outline of the Learning Experiences for this course appears at the beginning of each unit.

All the questions in the worktext must be completed satisfactorily to earn a grade of "C" or better. If your answers are not satisfactory, your instructor may decide to return them to you to be redone. They must be redone within one week or you will be given the original grade.

To earn a "B" you must complete three optional activities in addition to the required learning experiences. Your instructor will furnish you with these activities if you wish to do them. You must do two activities from Unit III and one from either of the other units.

To earn an "A" you must complete five optional activities in addition to the required learning experiences. Of these, three must be from Unit III; the remaining two may be from either of the other units.

Use the charts at the beginning of each unit to keep track of your progress. Under TI, write the date you turned in the questions. Under R(NA), write the date it was returned to be redone (not accepted) and under R(A), write the date it was returned (accepted).

General Guidelines for Optional Activities

1. Plan ahead. If you know at the beginning of the semester that you will be doing one or more of these activities, start planning then to give yourself enough time to complete the project. Make your selections within the first week of the presentation of the unit. Consult your course syllabus for specific time requirements.

2. Always check with your instructor before beginning any optional activity. With the help of your instructor, you can choose an activity that is most appropriate and valuable for you.

3. If your activity involves an interview or observation, make all the appropriate arrangements before you arrive at the site. Discuss these arrangements with your instructor if you have any questions. When you call to arrange for an interview or observation, be courteous and ready to give the following specific information:

   - Your name
   - Your status as a student of San Antonio College Child Development class 324
   - What you would like to observe or who you would like to interview and why
   - How your information will be used (class report, report to instructor, etc.)
   - The kinds of safeguard you have prepared, such as an interview form they may look at ahead of time or a release form

   In addition, you should be prepared to ask the following questions:

   - Do other people need to give approval for the interview or observation, other than the person(s) directly involved (such as the principal, special education supervisor, etc.)? Who will obtain that permission, you or the person you are interviewing or observing?
   - When you can do the interview/observation (Remember, you are asking a favor. Arrange the time according to their convenience.)
   - Where the interview/observation will take place
   - Approximately how long you should allow for an observation and interview. You may want to give them an idea of the amount of time you are free to spend on the observation

4. Be prompt. Dress appropriately. When you arrive at the site, check in with the principal, director or secretary to let them know you are there. Sign in as a visitor if you are requested to do so. If you are observing, whenever possible, know the "ground rules" before the session begins (where to sit, what to do if a child talks to you, whether note-taking or tape recording is appropriate, etc.)

   If you are interviewing, have your questions prepared ahead of time. Explain again why you are asking the questions and how they will be used. Be open to other information as well and ask for additional comments when you have finished your questions. If your project requires a release form, be sure to get signatures before you leave.

   Thank the person for his/her time and cooperation. A written thank-you note sent later is an additional courtesy that shows your appreciation.

5. If for some reason you are unable to keep your appointment, YOU MUST CALL AS SOON AS YOU FIND OUT YOU CANNOT BE THERE. Reschedule the appointment if possible.

6. When writing a report on a subject you researched, include the sources you used, including the name and author, date of publication and publisher.

7. When writing up an interview or observation, include the full name and exact title of the person(s) with whom you worked, the date of the interview/observation, the time it began and ended.

UNIT I

HISTORICAL AND LEGAL PERSPECTIVES ON SERVICES TO THE HANDICAPPED

UNIT I

REQUIRED LEARNING EXPERIENCES

1. Read "Historical Perspectives on Education and Treatment of the Handicapped in the United States" and complete the questions in that section.

   TI _____ R(NA) _____ R(A) _____

   Be prepared to discuss in class why the philosopy of institutionalization had become dominant by the early 1900s and identify the forces at work from 1900-1950 that helped change policies regarding the education of the handicapped.

2. Read "Selected Legislation Related to the Education of Handicapped Children" and complete the questions contained in that section.

   TI _____ R(NA) _____ R(A) _____

   Be prepared to discuss in class what the major differences are between P.L. 94-142 and Section 504 of the Vocational Rehabilitation Act of 1973 and give a definition for a "free and appropriate" education.

3. Read "Special Education in Texas: History and Laws" and answer the questions in that section.

   TI _____ R(NA) _____ R(A) _____

   Be prepared to discuss in class how a child with spina bifida might benefit from the provisions of S.B. 230, S.B. 700 and S.B. 630.

4. Read "Selected Litigation Related to the Education of Handicapped Children" and complete the exercises contained in that section.

   TI _____ R(NA) _____ R(A) _____

   Be prepared to discuss in class whether or not you agree with the decision in the Rowley case and be able to give reasons for your opinion.

Unit I

OPTIONAL ACTIVITY

Historical Profiles

Write a two-page paper on one historical figure who has affected the education of children with handicapping conditions. You may choose one of the following or check with your instructor about any others you may wish to write about.

Eduard Seguin	J. M. G. Itard
Maria Montessori	Alfred Binet
Samuel Gridley Howe	G. M. Fernald
Helen Keller	H. R. Myklebust

Alexander Graham Bell (his work with deaf persons)

Check the library Guide #7 (Biographies) for help in finding information on these historical figures. In addition, use books that describe the educational climate of the time in which they lived and the effect of their work on education of children with special needs.

Use at least <u>three</u> reference sources for this activity. List them with name of publication, author, publisher and date.

Unit I

OPTIONAL ACTIVITY

Law Search

This activity will lead you through the steps necessary to find a specific law or to discover laws on a subject you want to research. Before you begin, you need to review how a law comes into being.

1. When a legislator at either the state or federal level introduces an idea for a law (a BILL), it is first discussed in an appropriate committee hearing. The committee may add or subtract items from the bill or make other changes before sending it to the floor of either the house of representatives or the senate for discussion and passage. Sometimes bills are sent back to the committee for further revision before the vote is taken. Once the bill has passed both the houses and has been signed by the president or governor, it becomes a law. When the bill is passed, it is given a new number (before this time, the bill is labeled SB or HR with a number, designating it as a senate bill or house of representatives bill, depending on where it originated). Federal laws are called PUBLIC LAWS (P.L.). Those letters are followed by the number of the congress that passed the law (i.e. 94 for 94th Congress) and the number of the law itself (i.e. 142). The law is then known as P.L. 94-142.

2. Laws are written in specific language, telling what must be done (or not done), but they do not include all the details of how things should be done. Once the law is passed, it is given to the government agency that will carry it out. Within that government agency, regulations are developed to carry out the intent of the law. When these are completed, they are published in the Federal Register and they become, in effect, a part of the law.

Keeping track of all the laws passed by the federal and state legislatures is a complex matter. First the laws are divided into two categories: civil or criminal. For this activity, you will be dealing with SUBSTANTIVE CIVIL LAW called TORTS; these include the rules governing rights, duties and obligations between individuals and institutions. If you needed to know how to go about preparing a case for a lawsuit, you would work with CIVIL PROCEDURE LAW, which includes all procedural court rules. Procedural laws may be very different in each state. Substantive laws usually are much the same.

Federal Law Search

Substantive civil laws on the federal level are found in several kinds of directories, such as the U. S. Code, U. S. Code Service and U. S. Code Annotated. These directories organize the laws by subject and what is called STATUTORY SCHEMES. This means laws that deal with the same subject matter are numbered and placed together in the directories. In the U. S. Code books, laws having to do with education are grouped together under the code Title 20.

Go to the library and find the collection of U. S. Code Service or U. S. Code Annotated volumes, then find the ones marked Education, Title 20. You are going to look for a law that concerns training persons to work with handicapped children. The last volume of the Title 20 series has an index for that series. Look under the general area of Handicapped Persons and Children to find the subject.

What number appears after the entry Training of professional and allied personnel? _____

The code volumes have the sections arranged in numerical order. Education codes appear with a 20, followed by the section number assigned by the directory (i.e. 20:501). Find the section number you wrote above (it may be in another volume; there are several Title 20 Education volumes).

Notice that the sections before and after that section are related to the education of handicapped persons also--this makes up a statutory scheme. Look for the contents list at the beginning of the 1400 series.

What chapter number does it have? _____ How many sections are there? From 1400 to _____.

Go back and read the section for training professional and allied personnel. Which of these questions does the section answer?

_____ How to train people to work with handicapped persons?

_____ What services to the handicapped will be funded?

_____ Who is eligible for services to handicapped persons?

Notice the ANNOTATIONS at the end of the statute. These are additions of related information.

What do they include? _____

_____

_____

_____

_____

After the U. S. Code books are printed and put together, changes may be made in the law through AMENDMENTS. These changes are printed annually and added to the code books as POCKET PARTS in the back of each volume. Later, the volume may be reprinted to include them.

If you want to find a specific law, it is usually easier to find it by its popular name than by its number. Most of the code directories include a popular names index as well as a subject index.

Another place you might find the law by its name is in Shepard's Acts and Cases by Popular Name. This does not print the law itself, as the other directories do, but refers you to

other directories where it can be found. P.L. 94-142's popular name is Education for all Handicapped Children Act.

Is it listed in Shepard's Acts under that name? _____ What numbers does it refer you to? _____

Now that you know where to find a federal law, you might need to research the REGULATIONS written to carry out the law. These are published weekly in the Federal Register. If you know the date the regulations were published, you can look them up by date. However, there are so many regulations written each year, most libraries cannot keep this many books on their shelves year after year and must limit them to the past two years. If you wanted to find regulations written three years ago, then, you might not be able to find them in the library's Federal Register.

A more satisfactory place to look is in the Code of Federal Regulations (CFR). These are organized by subject, so you do not need to know the date the regulations were published to find the ones you want. They are divided into 50 titles, but these titles do not necessarily correspond to the U. S. Code directory numbers. For example, the education title in the CFR books is 34 instead of 20.

There are annual indexes of the CFR where you can find the subject you want to research. Look in the CFR index that covers the past year and look under Education of Handicapped. You will

x

find numerous entries under that heading. Find Training personnel for the education of the handicapped.

What code number do you find there?

_____

State Law Search

State laws, like federal laws, usually are collected in coded volumes, usually organized by category and printed in statutory schemes. Some states refer to them as "laws," others, including Texas, call them "codes." These volumes also add annual pocket parts and regular publication updates.

The two Texas directories that correspond to the U. S. Code directories are Vernon's Civil Statues and Vernon's Texas Codes Annotated. The annotated directory has three volumes of education laws. Check the index in the back of the last volume to find the Handicapped Persons entry. Under that entry, find the law called Comprehensive special education program.

What numbers follow it? _____

Does that tell you what the code number for education is in the Vernons's annotated directory? _____

To find the volume that contains that number, look in the contents of the first education volume to find the chapter number (the first number you wrote).

What is it called? _____

What title does it come under? _____

_____

How many chapters does it have? _____

To find those regulations, you need to find the book for the year covered by the index you consulted with the number that corresponds to the first number in that index.

What is that number? _____

The CFR part of the number stands for Code of Federal Regulations. The last number helps you find it in the book, where each regulation is listed in numerical order.

When you find the regulation, you will find a reference to when it was published in the Federal Register. It will look like this: 40 FR 7419 Feb. 20, 1975. The first number (40) refers to volume number, the second (7419) to the page where it begins. The last entry is the date of the volume in which it was published. The CFR entry also includes any changes that have been made since the first regulations were written.

Write the reference you find for the designation of 34CRF318: _____

(volume) ____ FR (page) _____

(date) _____

Now go to that section of the book and find the law for comprehensive special education programs. Look for it by the code number you found in the index.

What ANNOTATIONS (additional explanatory information) are included in that section along with the statute? _____

_____

_____

_____

_____

If you look in the preface to this volume, you will see that this section is part of the total Education Code of Texas.

Do you find anything relating to the chapter you looked up? _____

_____

_____

_____

_____

Regulations for state laws may not be as easy to find as those for federal laws. Some states do not have code directories for their regulations. If you were looking for regulations on a specific law in one of those states, you would have to consult a manual from the agency itself.

Education regulations may be found in Texas Administrative Codes. In this directory, the education code is 19. Look in the index of the last Title 19 volume under Paraprofessionals, certification.

What number follows the entry called specialized areas? _____

Find that number in the appropriate volume (remember, they are in numerical order in those volumes).

What does it say about the requirements for paraprofessionals working in specialized areas? _____

_____

_____

_____

_____

Unit I

OPTIONAL ACTIVITY

Legislative Letter

Write a letter to a state and national legislator, asking the following questions:

- What issues regarding services to handicapped persons are being discussed in the legislature?
- Are there any bills pending in the legislature that would affect services to handicapped persons?
- What is your (the legislator) assessment of the effectiveness of laws that have been passed on behalf of handicapped persons?
- Do you (the legislator) plan to propose any legislation affecting handicapped persons in the next session?

Explain why you are interested in this legislation and why you are writing. Ask for a copy of any legislation having to do with services to handicapped persons that is pending in the legislature. (NOTE: because the Texas legislature meets only every other year, you may have to ask for bills that were introduced in the previous session of the legislature if the body is not in session when you do this activity.)

You can find the state representatives and senators in the blue section of the telephone directory under Government Offices -- State. Each of them has an office in the city as well as in Austin. You should know who represents you in the state and national legislatures. If you don't know the name of your re-

presentatives and senators, find them in a voting directory in the library. In Bexar County, you can find it in the Voting Precinct Guide Book of Bexar County, published by the Tax Assessor/Collector's Office. Look up your address to find your precinct number, then look under State Representatives on page 34 to find your precinct. That person is your representative in the Texas House of Representatives. You can find the name of the person who represents you in the U. S. Congress by checking for your precinct number under U. S. representative districts, page 35.

Turn in a copy of the letter you wrote to earn a grade on this activity and a summary of the responses.

Unit I

OPTIONAL ACTIVITY

Case Law Study

Using the resources listed below, research the case of Howard S. vs. Friendswood Independent School District and answer the following questions:

1. What handicapping condition did this case involve?
2. What effect did that condition have on Douglas' educational achievement?
3. What prompted Douglas' parents to bring this suit against the school district?
4. Which law(s) was used as a basis for the argument against the school district?
5. Which regulations of that law(s) applied in Douglas' case?
6. Was there a constitutional argument for Douglas' case?
7. What did the courts decide about the school district's responsibility to Douglas and his parents?
8. What method of enforcing the decision could be used if the school district refused to obey the court order?

Resources: Mental Retardation and the Law (government document)
President's Committee on Retardation
December, 1979

"Law and Special Education" (Chapter 13)
Handbook of Special Education
Kauffman, J.M. & Hallahan, D.P.
Prentice Hall Inc. 1981

UNIT I

HISTORICAL AND LEGAL PERSPECTIVES ON SERVICES TO THE HANDICAPPED

Purpose

A good understanding of the education and treatment of handicapped children in the 1980s must be based on an understanding of the events that have led to today. There has been tremendous progress in the quality of education for young handicapped students in the last 20 years. This progress has been affected by the attitudes and expectations of society. Those attitudes and expectations are constantly changing and shifting to respond to current events and economic pressures.

As a member of a team providing for the education of handicapped children, and as a citizen, you should be aware of the pressures and events that have affected and will continue to affect the educational opportunities of those you serve.

In addition, it is important to know about how handicapped people were treated in the past and why they were treated that way because some of those same attitudes are still present today. For example, some people still believe having a handicapping condition is the fault of someone--a result of someone's "sins." Others retain suspicions about people with certain handicaps, such as mentally retarded persons, and think they may be dangerous in one way or another. Finally, many people today feel uncomfortable about dealing with handicapped persons. They would rather have them separated "with their own kind" than included in the mainstream of society.

As a paraprofessional working with handicapped children, you may encounter people with these attitudes. There may be times in these relationships when, because of your training, you will have a chance to help those people come to a more realistic understanding of persons with handicapping conditions.

Objectives

After completing this unit, you will be expected to:

1. Demonstrate a knowledge of the attitudes and patterns of treatment of children with handicapping conditions in the United States from the early 19th century to the present.
2. Identify the kinds of national and state laws and regulations that protect the rights of individuals with special needs.
3. Identify specific aspects of P.L. 94-142 that had an impact on educating children with handicapping conditions.
4. Identify the portion of Section 504 of the Vocational Rehabilitation Act of 1973 that protects the rights of handicapped persons and be able to explain how that affects the education of children with handicapping conditions.
5. Identify laws passed in Texas that affect the education of children with handicapping conditions.
6. Demonstrate a knowledge of how case law has been used to protect the rights of persons with handicapping conditions.

LEARNING EXPERIENCE 1

The History of Education and Treatment of Handicapped Children in the United States

BACKGROUND

Educating children at public expense was not, and is not, an activity of the federal government. The federal Constitution did not provide for a free, appropriate education for any child. Public education at public expense was a service provided by the various states. The first state to pass a compulsory education law was Massachusetts in 1852. Parents who lived in Massachusetts could be made (compelled) to send their children to school. However, the compulsory education laws did not apply to all children; some were excluded or "excepted" from attending school. As other states wrote compulsory education laws, they followed the example of Massachusetts and wrote their laws something like this:

> All children between the ages of 7 and 17 shall attend school except those children who are deaf and dumb, blind, lunatic, imbeciles, idiots and morons.

Thus, certain children were "excepted" from compulsory education. These became "exceptional" children--a term that has come to mean the same as "handicapped" for many persons. What happened to these children when they were excluded from public school? The United States followed the model already established in Europe and provided institutions for special populations.

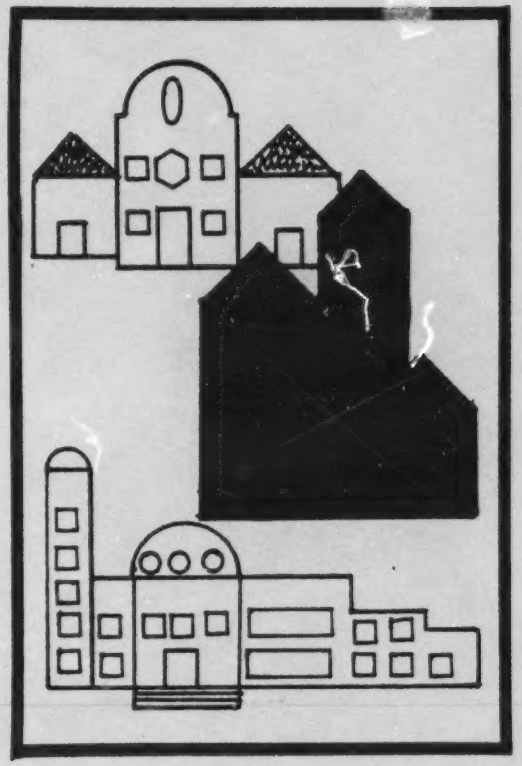
The term "idiot" was one of serveral used to describe mentally retarded persons in the late 18th and early 19th centuries. In 1884, Dr. I. N. Kerlin, superintendent of the Pennsylvania Training School for the Feebleminded, described "feebleminded" persons in ascending order of competence as "idiots," "idio-imbeciles," and "juvenile insane."

Following the development of the IQ test in 1905, these terms were further defined according to measured intelligence and chronological age. "Idiots" were those whose IQ measured less than 25 or adults mentally equal or inferior to a 2-year-old. "Imbecile" was said to have an IQ of 25-50 or be an adult mentally equal to a child between 3 and 8. "Morons" were adults mentally equal to children 8-12 years old or having an IQ between 50 and 70. The term "feebleminded" referred generally to all these groups.

Mentally ill persons were termed "insane" or "lunatic." The latter term came from the word "lunar," which refers to the moon. Those people were thought to be affected by the moon, exhibiting the worst systems of their illness during a full moon.

Being "feebleminded" was considered the most fearful of all disabilities and also was associated with moral deficiency, so persons unfortunate enough to carry that label were not only pitied, but feared and despised. Because of those attitudes, the terms carry an extremely negative connotation. Their use has been discontinued as more was learned about mental illness and mental retardation.

EARLY/LATE 19th CENTURY



The first educational program for exceptional children and youth in the United States was the Connecticut Asylum for the Education and Instruction of Deaf and Dumb in Hartford, Connecticut in 1817. Later it would be known as the American School for the Deaf. It was established by the Rev. Thomas H. Gallaudet.

Twelve years later, in 1829, the New England Asylum for the Blind was founded. This later became the Perkins School for the Blind. The director, Dr. Samuel Gridley Howe, persuaded the Massachusetts Legislature to appoint him head of a special commission in 1846. The purpose of the commission was:

> To inquire into the condition of the idiots in this commonwealth, to ascertain their number and whether anything can be done for their relief. (President's Committee on Mental Retardation, 1976, p. 3.)

At the conclusion of Howe's study, the legislature set aside $2,500 annually for three years to educate 10 "idiots."

Howe's program was permanently established in 1848, becoming the first state-supported residential institution for mentally retarded children. The school was later called the

Name: _____

Massachusetts School for Idiotic Children and Youth. Howe proposed the school be organized "upon the plan of a family; with a kind and mother person." (Ibid. p.4) The sole concern of the school was educating children during their early learning years. The plan was to return children to their families following their education.

Name three of the first schools that attempted to educate exceptional children in the United States:

1. _____

2. _____

3. _____

As early as 1856, however, Dr. Howe saw the moral and ethical dangers of placing exceptional children in institutions, away from the rest of the family. Parents and guardians were reluctant to remove those pupils whose terms had expired. Dr. Howe was concerned with what would become of those "idiots who are past the age of childhood and past the hope of improvement." (Ibid. p.4). Howe retired in 1874 and included this in his final report:

> Now the danger of misdirection in this pious and benevolent work is, that two false principles may be incorporated with the projected institutions which will be as rotten piles in the foundations and make the future establishments deplorably defective and mischievious. These are, first, close congregation; and, second, the life-long association of a large number of idiots; whereas, the true, sound principles are: separation of idiots from each other; and then diffusion among the normal population ... For these and other reasons it is unwise to organize establishments for

Name: _____

> teaching and training idiotic children, upon such principles as will tend to make them become asylums for life ... Even idiots have rights which should be carefully considered! (Ibid. p.5)

Howe understood that the mentally retarded individual needed to "model" normal behavior after non-mentally retarded adults; he realized institutions would have little chance to provide sources for this modeling behavior.

Secondly, Howe realized that life-long association with only mentally retarded persons would probably mean underdevelopment of social skills and behaviors.

What were some of the dangers Dr. Howe saw in keeping mentally retarded children in institutions and educating them together in a group? _____

_____

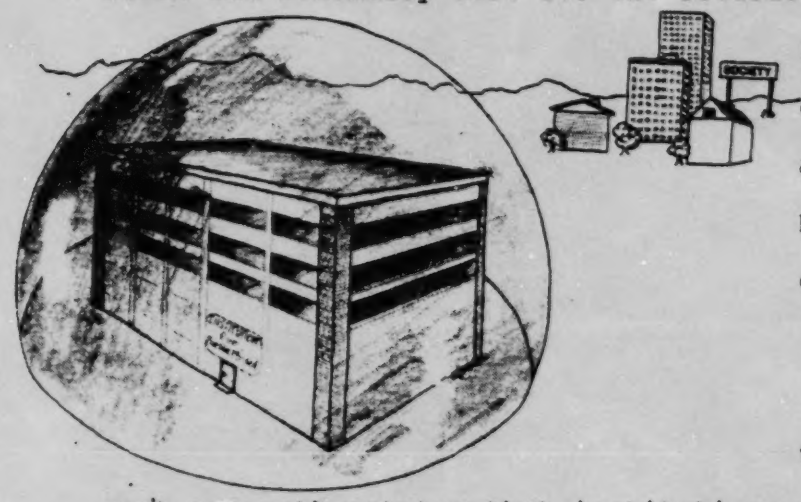
_____

_____

_____

LATE 19th-EARLY 20th CENTURY

The first residential school was educational, but then this and similar institutions for mentally retarded persons rapidly became custodial only. That is, their purpose was simply to house and minimally care for the retarded. In this setting, the retarded citizen became little more than an indentured servant. He was forbidden education and considered morally corrupt.



By the late 1800s, there was general agreement among the states that institutions for the mentally retarded should provide permanent, not temporary, care to "shut up all the idiotic and feebleminded where they can do no harm." (Ibid. p.8)

Why shut them up? Because a myth had developed that the "feebleminded" individuals had an "abnormally strong and utterly ungovernable sexual drive." (Ibid. p.9) By 1913, one superintendent of a state school reported, "The patients who give us the most trouble are the ones who have been taught to read and write." (Ibid. p.17) Therefore, the dominant philosophy of the late 1800s and early 1900s favored institutionalization because:

1. Mental retardation was incurable.
2. The "feebleminded" needed protection from evil forces in the society.
3. Society could be protected from the "feebleminded."

When IQ testing was developed by Dr. Alfred Binet in 1908, it became possible to identify the mentally retarded persons who needed to be institutionalized. However, IQ testing led to such huge numbers of people identified as "feebleminded" that putting so many of them in an institution was simply impossible.

Nevertheless, in 1912, W.E. Fernald advocated good programs of public education for:

> The rest of the public who are capable of being educated. We may deal with the other half of the community by our segregation and our sterilization propositions, or by other means. (Ibid. p.12)

A new set of laws was therefore established that allowed the state to sterilize mentally retarded persons.

During the first half of the 20th century (from 1900-1950), there were some small measures of progress in the education and treatment of handicapped persons. However, gains were very slowly made. Some school districts, primarily in large cities, began educational programs for children with specific handicaps. These programs were begun largely because of the efforts of parents. In 1900, for instance, a special classroom for blind children in a regular school was established in Chicago. However, many of these special classrooms quickly became "dumping grounds" for non-handicapped children with problems in learning and behavior.

During the early 1900s, the scientific study of children began and this, too, influenced the education of handicapped children. In 1911, New Jersey passed legislation which permitted local school districts to provide special education for

Name: _____

its children with handicapping conditions. Other states in the 1920s also passed these "permissive" laws. (Permissive legislation allows provision of special education; the other type of legislation is mandatory, which requires special education.) Thus, school districts were permitted to use local and state funds to develop special programs if they chose to do so. This meant that a special program might be available for retarded children in one school district, but would not be offered "next door" in a neighboring school district.

What is the difference between permissive and mandatory legislation? _____

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1920s-1950s

In the 1920s, training programs for teachers of handicapped children were begun in colleges and universities. And in 1922, the Council for Exceptional Children (CEC) was established to provide a professional organization for special educators. (The CEC is still in existence today and is a very effective advocate of rights for handicapped children.) By the 1930s, the term "special education" was widely used in America to indicate educational programs for handicapped children.

World Wars I and II also influenced special education. After World War I, many men returned physically disabled, and yet were respected veterans. These returning veterans began changing the public's view of all disabled persons. World War II also saw the return of disabled veterans who refused to accept an isolated and meaningless existence. Medical science, in its treatment of veterans, also affected the treatment of other handicapped persons. More attention was focused on the prevention and cure of defects and the limitations placed on the physically disabled.

During the first half of the 20th century, therefore, many factors contributed to the growth of special education programs. The development of IQ tests, the immigration of people from Europe with different values and customs, technological advances, World Wars and the scientific study of children all contributed in some way to the education and treatment of handicapped persons.

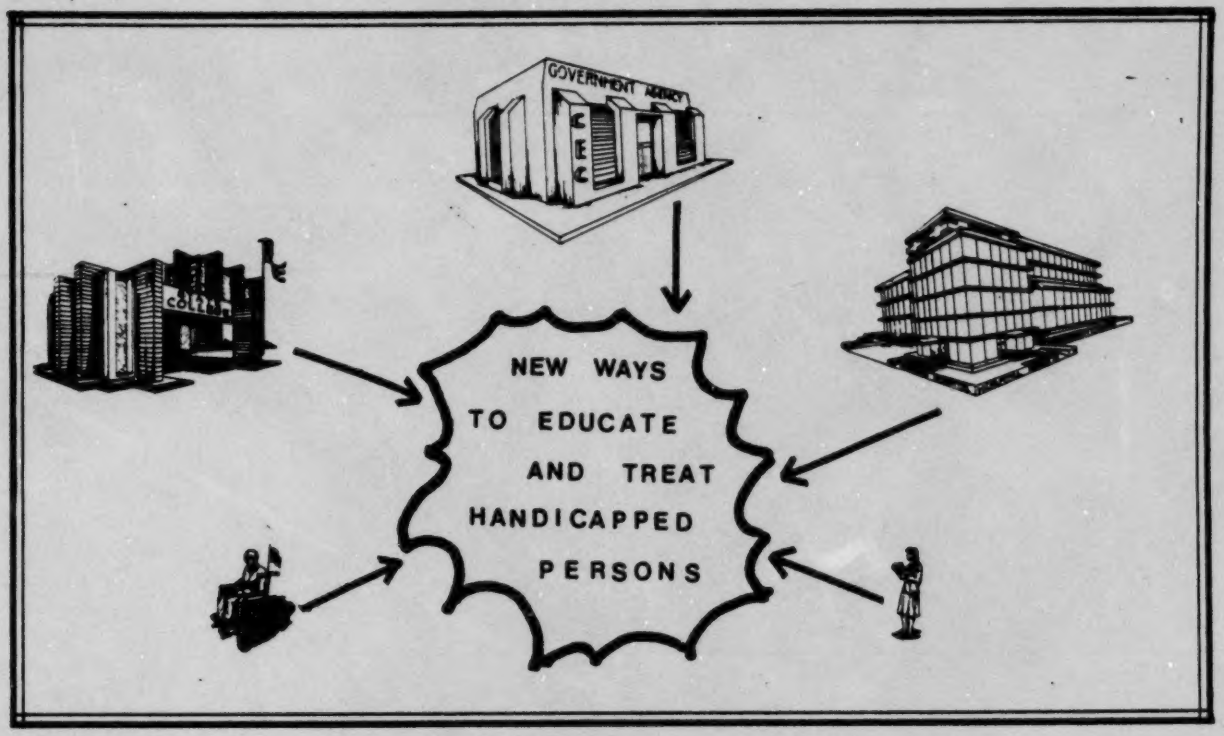
1950-PRESENT

The time since the 1950s has seen tremendous growth in special education programs and improvement in the treatment of handicapped persons. The 1950s saw renewed interest in education in general. The 1960 election of John F. Kennedy, who had a retarded sister, as president of the United States provided the country with a leader who had a personal interest in mental retardation.

In 1961, President Kennedy appointed a panel of professionals to study and make recommendations toward a national plan of action concerning mentally retarded persons. This panel, known as the President's Committee on Mental Retardation, continues to function today.

The civil rights movement of the 1960s also influenced changing attitudes toward minorities, the rights of individuals and the dignity of the individual. Laws were passed which greatly improved the education of the handicapped. Handicapped Americans were viewed as another minority group whose basic rights were being denied.

In the 1970s, there was increased emphasis on deinstitutionalization (removing persons from institutions and placing them in communities) and in normalization (providing as normal a setting as possible for them). Less money was approved in states for building large residential facilities. More halfway houses and community-return programs were begun. Life in institutions began to reflect the rights of individuals regardless of their handicapping conditions. The significant gains made in the education of handicapped children from 1920 through the 1970s are still evident today.



LEARNING EXPERIENCE 2

Selected Legislation Related to the Education of Handicapped Children in the United States

INTRODUCTION

As we mentioned in the previous section, much of the progress we see today in the education of handicapped children is due to the passage of certain laws (legislation) during the 1960s and 1970s. In this section, we will examine some of those laws. First we will study selected pieces of federal legislation--laws passed by the United States Congress that apply to all 50 states. Then we will look at three state laws--passed by the state legislature of Texas--that are applicable only to the state of Texas.

The importance of all these laws lies in the fact that they require, under penalty of law, that certain provisions be made for the education of children with handicapping conditions. When persons responsible for the education of handicapped children fail to provide what the law requires, they are breaking the law and may be prosecuted for doing so.

In this country, there are basically three kinds of laws. They are:

- Constitutional Law
- Statutory Law
- Case Law

An understanding of the basic differences between these three types of laws is helpful in understanding how various laws have affected the education of children with handicapping conditons.

Constitutional law. The United States Constitution and its amendments are the ultimate or final law in this country. Federal, state and local laws must not conflict with the U.S. Constitution. All laws passed by any governing body must follow the laws established in the Constitution. If they do not, they are likely to be successfully challenged in court and then repealed (canceled).

There are three important principles of constitutional law that affect education. First, the federal government has only the powers the Constitution grants to it and no other powers. The Constitution does not mention providing education among the powers granted the federal government.

Second, any powers not mentioned in the Constitution as belonging to the federal government are reserved for the states. Because education is not specifically mentioned in the Constitution as a federal power, it is therefore left to the individual states to determine for whom, and under what circumstances, education will be provided.

Third, because the Constitution is the "supreme law of the land," neither the federal government nor any of the state governments may deny individual citizens the rights guaranteed them in the Constitution. This means that although the power to provide education rests with the individual states, the laws the

Name: _____

states pass to provide education to their citizens must be constitutional. That is, the laws must not deny the citizens other rights that are constitutionally guaranteed. Among these guarantees are rights, equal protection and equal treatment. (These terms will be explained in greater detail later in this Unit.)

What are the three important principals of Constitutional law that affect education? _____

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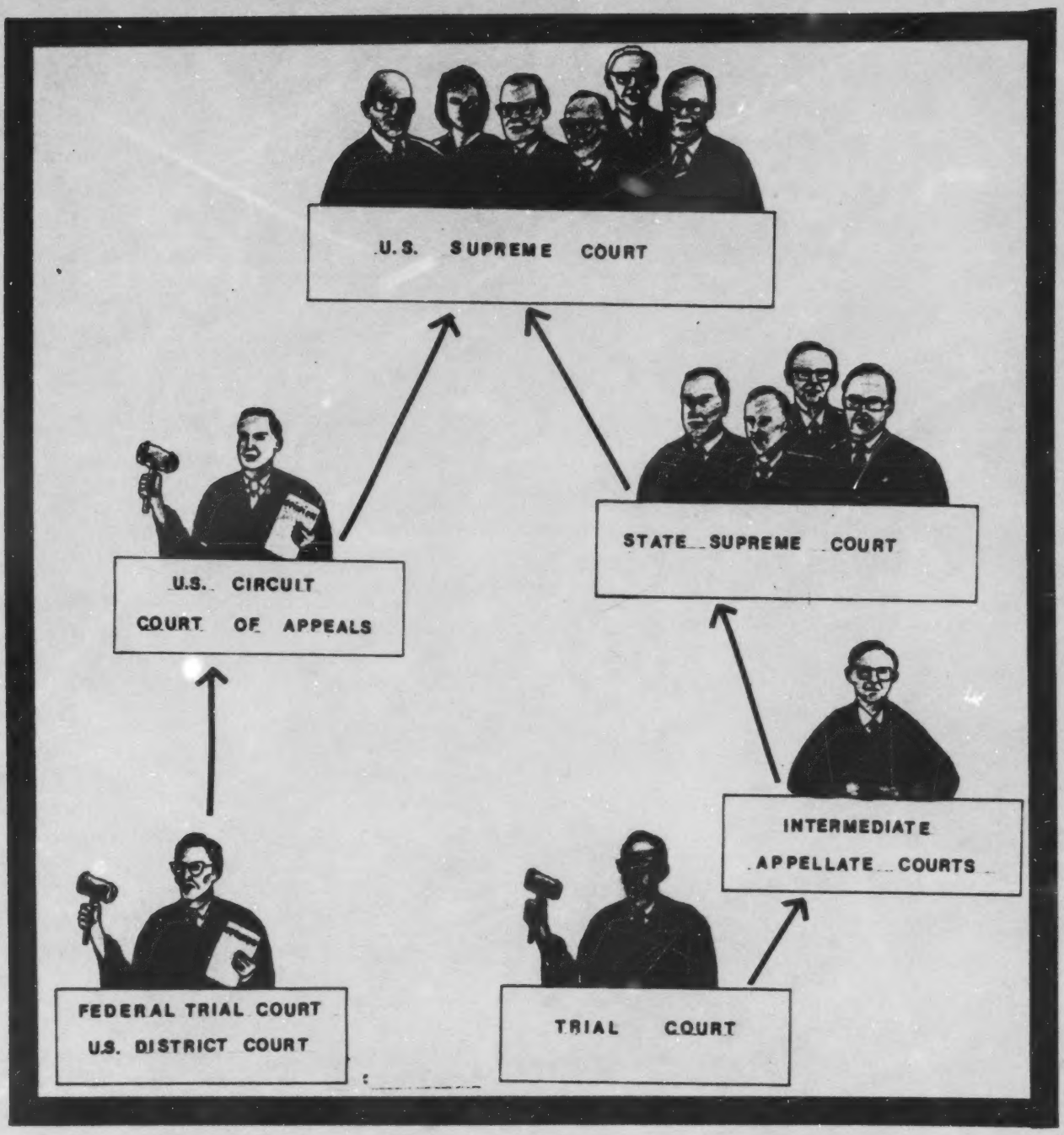
<u>Statutory law</u> Both the federal and state governments have groups of men and women elected to law-enacting bodies. At the state level, these persons are called legislators. At the federal level, they are called congressmen, including both representatives and senators. These men and women propose, discuss and pass laws. Once a law has been approved by the group (the legislature) and the governor or president, it becomes a statute.

Statutory law, then, is any law passed by either a state legislature or the U.S. Congress and approved by the state's governor or president.

Statutory law also includes the rules and regulations written to carry out the law. For example, the U.S. Congress enacted (passed) the Education for all Handicapped Children Act of 1975 (P.L. 94-142). But the responsibility for writing and publishing the rules and regulations (guidelines) for putting the law into effect (implementing it) was given to the Office of Education. The law itself and the guidelines for implementing it are all considered statutory law.

Case law. Case law is the result of a judge or court making a ruling in a law suit. In making a decision, judges take into consideration what they believe is the intent of the laws affecting the case. They also use other case law that might be relevant to the case before them. Then their interpretation of the law in that decision becomes like a law itself --case law.

Not all decisions made by judges fall into that category, however. In Figure 1.1 the various levels of our judiciary (court) system are illustrated. Most cases begin in a trial court, either local or federal. Decisions made here do not usually become case law. If the parties in the case are not satisfied with the decision made in that court, they may "appeal" that decision to a higher court, usually appellate courts. In some instances, a case may be appealed directly to a supreme court.



When a judge in one of the higher courts makes a ruling, his "opinion" or interpretation of the law in that case becomes a "precedent" for other cases that are similar. There have been many precedents set by interpretations of laws regarding the education of children with handicapping conditions. You will study some examples later in this unit.

Name: _____

Decisions in local trial courts are not precedents and only occasionally do those of U.S. district trial courts become precedents, but decisions made in state intermediate appellate court cases may be precedent for state trial cases. State supreme court cases are precedent for all courts within a particular state. U.S. circuit courts of appeals cases are precedent within their circuits with regard to federal questions. Decisions by the U.S. Supreme Court are precedent for all courts. Because it is the highest court in the country, its decisions provide very important sources of law.

When judges write opinions, explaining why they decided the law should be interpreted a certain way in a case, those opinions are recorded and published in the Federal Supplement where they may be referred to at any time.

Although appellate court cases, including those on the supreme court level, are binding on later cases having to do with the same laws, they may be changed in a later decision. When this happens, it is called "overruling."

Name the three types of law in this country and define each of them. _____

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FEDERAL LEGISLATION

Introduction

Until the 1960s, there was very little legislation concerning handicapped persons. Most of the early legislation dealt with funding programs for persons who were deaf and blind. In 1878, for example, Congress approved funding for the American Printing House for the Blind to produce braille materials (reading materials using patterns of raised dots that blind persons can be trained to "read" with their fingers).

After World War I, Congress authorized educational rehabilitation services to disabled veterans. These services were extended to civilians in 1920. It was not until 1943, however, that persons who were mentally retarded or mentally ill became eligible for services. In 1958, colleges and universities began receiving funds for preparing teachers of children who were mentally retarded. These few laws passed by the federal Congress between the late 1800s and the 1960s were some of the primary legislation concerning handicapped children.

In the 1960s, there was a drastic increase in the number of laws passed concerning the handicapped. Twelve pieces of legislation were approved by Congress in a 10-year period. During the 1970s, 10 more laws were passed that specifically aided handicapped persons. In this section, we are only going to examine two of the dozens of pieces of federal legislation that have been passed. (A sample of some of this legislation appears on the next page.)

Figure 1.2

Selected Federal Legislation - 1960-1975

1961 P.L. 87-276 *Special Education Act*
Provided funds for training professionals to train teachers of the deaf

1963 P.L. 88-164 *Mental Retarded Facility and Community Center Construction Act*
Extended support given in P.L. 85-926 to training teachers of other handicapped, including retarded

1965 P.L. 89-10 *The Elementary and Secondary Education Act*
Provided money to states and local districts for developing programs for economically disadvantaged and handicapped

1966 P.L. 89-313 *Amendment to Title I of The Elementary and Secondary Education Act*
Provided funding for state-supported programs in institutions and other settings for handicapped children

1966 P.L. 89-750 *Amendments to the Elementary and Secondary Education Act*
Created the Bureau of Education for the Handicapped

1969 P.L. 91-320 *The Learning Disabilities Act*
Defined learning disabilities; provided funds for state-level programs for learning disabilities

1970 P.L. 91-230 *Amendments to the Elementary and Secondary Education Act*
Recognized handicapped and exceptional children as a single population with special needs

1973 P.L. 93-112, Section 504 *Rehabilitation Act*
Declared that handicapped people cannot be excluded from any program or activity receiving federal funds on the basis of the handicap alone

1974 P.L. 93-380 *Education Amendments*
Extended previous legislation; provided money to state and local districts for programs for gifted and talented students for the first time. Also protected rights of handicapped children and parents in placement decisions

1975 P.L. 94-103 *Developmental Disabilities Assistance and Bill of Rights Act*
Affirmed rights of the retarded and cited areas where services must be provided for mentally retarded and other developmentally disabled people

1975 P.L. 94-142 *Education for All Handicapped Children Act*
Mandated free, appropriate public education for all handicapped children regardless of degree of severity of handicap; protected rights of handicapped children and parents in educational decision making

(Heward, W.L., & Orlansky, M.D., 1980)

The first is called the Vocational Rehabilitation Act Amendments of 1973 (P.L. 93-112). Actually, we will not look at this law in its entirety, only one piece of it--Section 504. The second law we will look at is called the Education for All Handicapped Children Act (P.L. 94-142). This act will be examined in considerable detail.

Section 504

The following sentence is perhaps the most important ever written regarding the handicapped person. It is Section 504 of the Vocational Rehabilitation Act of 1973:

> No otherwise qualified handicapped individual in the United States...shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

This statute, put into other words, means that no agency, institution, organization or employer who receives any federal funds can discriminate against handicapped persons simply on the basis of the person having a handicap. It is the first federal civil rights law that protects the rights of handicapped persons. Other laws that protect the rights of different groups have been passed with very similar language. The Civil Rights Act of 1964 protected ethnic minorities from discrimination. Title IX of the Education Amendment of 1972 forbids discrimination in education on the basis of sex. The passage of

Section 504 reflects the realization that the persons with handicapping conditions also have been the victims of discrimination for many years.

As we mentioned in the introduction to this section, statutory law includes both the law itself (the statute) and rules and regulations (guidelines) necessary to carry out and enforce the statute. In this instance, it took nearly four years to develop the federal guideliness needed to implement the The Vocational Rehabilitation Act. It was 1977 when the regulations were finally released. Upon the occasion of their release, Secretary of Health, Education and Welfare Joseph Califano noted that the passage of the regulations would:

> usher in a new era of equality for the handicapped individuals in which unfair barriers to self-sufficiency and decent treatment will begin to fall before the force of law.

As a result of the regulations that were finally approved, many changes have occurred in the treatment of handicapped persons. Broadly stated, these changes include the following requirements:

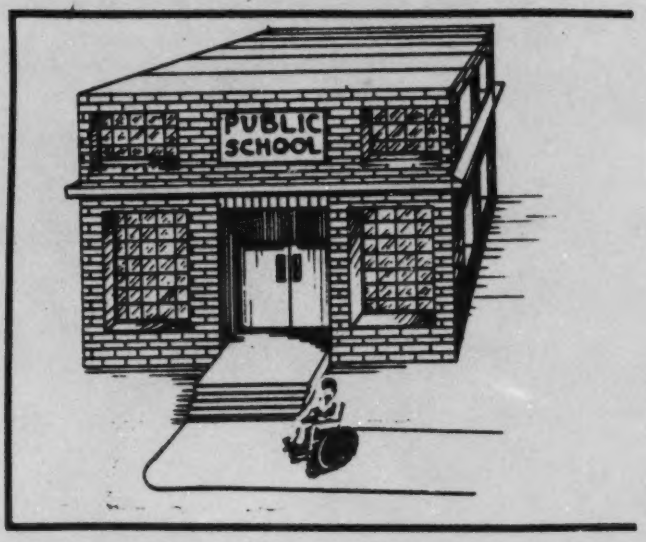
- Employers are required to provide equal recruitment, employment compensation, job assignments and fringe benefits for the handicapped.
- All new public facilities are required to be accessible to the handicapped.
- Handicapped children of school age are entitled to a free and appropriate public education.
- Discrimination in admission to institutions of higher education is prohibited.

Name: _____

- Discrimination is forbidden in providing health, welfare, and other social service programs

(Blackhurst and Berdine, 1981, p.24)

Clearly, Section 504 provided the possibility for a wide range of improvements in the lives of handicapped persons. In particular, Subpart D of Section 504 deals with providing a "free and appropriate" education for handicapped persons. Many of the terms and provisions of Subpart D of Section 504 are nearly identical to those of P.L. 94-142. For this reason, the contents of Subpart D are discussed in the section pertaining to P.L. 94-142. There are only a few differences in the wording of the two laws regarding the education of the handicapped persons.



List four areas of change that have resulted because of the implementation of Section 504. _____

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The Education for All Handicapped Children Act (P.L. 94-142)

BACKGROUND

Even before all of the provisions of Section 504 were put into effect, Congress had been presented with much more information regarding the lives of handicapped persons in this country. In 1975, Congress reported that:

- There were more than 8 million handicapped children in the United States.
- More than half of the handicapped children in the United States did not receive the educational services necessary to give them an equal opportunity.
- One million of the handicapped children in the United States were excluded entirely from the public school system and would not be educated with their peers.
- Many children had undetected handicaps that prevented them from being successfully educated.
- The lack of adequate services within the public school system often forced families to find services elsewhere, often at great distances from their homes and at their own expense.
- Developments in teacher training and in diagnostic and instructional procedures had advanced to the point that, given sufficient funding, state and local educational agencies could provide effective special education.

Congress also decided that state and local education agencies have a responsibility to provide education for their handicapped children. It further determined that the federal govern-

ment could assist in this effort by making money available to state and local educational agencies. This money was to be used for providing special education programs for children with handicapping conditions.

List four reasons why you think Congress decided to pass P.L. 94-142. _____

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Care must be taken at this point to understand the role of the federal government in helping the states provide for the education of handicapped children. As was mentioned in the introduction, the federal government does not have the power or authority to provide education for children. How, then, was the Education for All Handicapped Children Act passed by Congress if education is clearly a responsibility reserved to the states?

The answer is tied to funding and the federal government's right to tax and spend money in order to promote the "general welfare" of the people. Article 1, Section 8, of the Constitution grants the federal government the power to raise and spend money for the purpose of promoting the general welfare (well-being) of the citizens. Congress clearly thought providing a meaningful education for the country's handicapped children would promote the general well-being of the country. But because providing education was a responsibility reserved for the states, Congress simply made money available to those states

and local education agencies who wanted to use federal money for this purpose. Thus, no state has to fulfill the conditions of P.L. 94-142 unless it wishes to receive the additional funding from the federal government.

Explain why the passage of P.L. 94-142 does not violate the constitutional rights of states to provide education to its citizens. _____

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Today, New Mexico is the only state that has chosen not to apply for federal funds under the provisions of P.L. 94-142. The state was free to make this decision. However, the state does not have the right to choose whether or not to obey the various rules and regulations that accompany Section 504. This is true because the state receives federal money for many different programs and projects, such as highways, urban development, etc. The ruling in a 1980 lawsuit established this legal fact. In NMARC, et al. vs. New Mexico, et al., the court ruled a state is not required to apply for P.L. 94-142 funds, but it is bound to comply with Section 504.

This, then, is the major difference between P.L. 94-142 and Section 504. A state need not comply with the provisions of P.L. 94-142, because it is not required to apply for the funds in the first place. On the other hand, a state must comply with

the provisions of Section 504 because it serves to protect the civil rights of all handicapped persons.

OVERVIEW OF MAJOR PROVISIONS

The Education of All Handicapped Children Act (P.L. 94-142) established the right of all handicapped children to an education. Together with its guidelines, it forms the most important federal effort at providing services for children with special needs.

As stated in the law, the broad purposes of this legislation are:

1. To provide a free, appropriate public edcation, including special edcation and related services, to all handicapped children

2. To protect the rights of handicapped children and their parents

3. To assist state and local education agencies in providing this education

4. To determine and assure the effectiveness of these efforts to educate children with handicapping conditions

These four broad purposes summarize the intent and scope of the law. However, there are many more aspects of the law that should be examined in greater detail to understand how the law is actually intended to be put into effect.

Name: _____

What are the four broad purposes of the Education for All Handicapped Children Act of 1975 (P.L. 94-142)? _____

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We will examine some of the major provisions of the law using a question-and-answer format. In this way, you will have answers to questions regarding a number of the major components of P.L.-142.

1. What does "free and appropriate public education" mean?

   First, "free" means the child's special education and related services must be provided at public expense, under supervision and at no cost to either the child or his/her parents.

   Second, "appropriate" is not defined clearly in the law. It simply states that the education must be tailored to the individual needs of the child. In this regard, the educational program must satisfy all the requirements of an individualized program.

2. But how does the law define "handicapped children"?

   - seriously emotionally disturbed
   - visually handicapped
   - orthopedically impaired
   - multi-handicapped
   - other health impaired
   - specific learning disabilities
   - mentally retarded
   - hard of hearing
   - speech impaired
   - deaf-blind
   - deaf

(Appendix 1.1 contains a list of definitions of the terms.)

3. Who is eligible to receive special education and related services under P.L. 94-142.?

The law requires that all handicapped children between the ages of 3 and 21 be served. However, if state law or court decisions have ruled to exclude children from ages 3 to 5 (preschool children), the states do not have to provide these children the services available through P.L. 94-142.

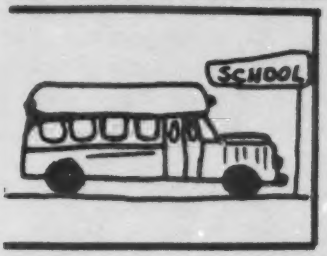
4. Is every handicapped person between the ages of 3 and 21 eligible for services under P.L. 94-142?

No. In addition to being age-eligible and having a specific handicapping condition, the condition must "adversely affect educational performance." In other words, if a child has a handicapping condition that does not affect his/her performance in school, the child is not eligible for special education services under P.L. 94-142.

5. Are there any priorities for providing educational services to handicapped children under P.L. 94-142?

Yes. The first priority is for handicapped children currently receiving no services. The second priority is for the most severely handicapped children who are receiving inadequate services. School districts must therefore identify and serve the handicapped children both in and out of school. They also must identify those children who are receiving inadequate or inappropriate educational assistance.

6. What are these "related services" to be made available to handicapped children through P.L. 94-142?



"Related services" means any type of service that might be required for a particular child with a handicapping condition to benefit fully from his/her special education program. The law lists a number of specific services, including transportation, health services, counseling services and various types of therapy. (These "related services" will be examined in greater detail in Unit III.)

7. May any child with a handicapping condition receive whatever "related services" he/she chooses?

No. Related services are only provided if they are necessary for the child's educational program.

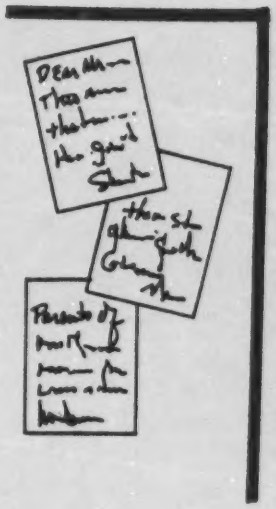
8. What is "due process"?

Due process is a set of legal steps and procedures that are carried out according to established rules and principles. They are intended to protect the individual's constitutional and legal rights.

9. What does due process have to do with P.L. 94-142?

Handicapped children and their parents are guaranteed due process, or procedural safeguards, in all matters related to P.L. 94-142. Their constitutional and legal rights must be respected during identification, evaluation, planning, placement and review of placement.

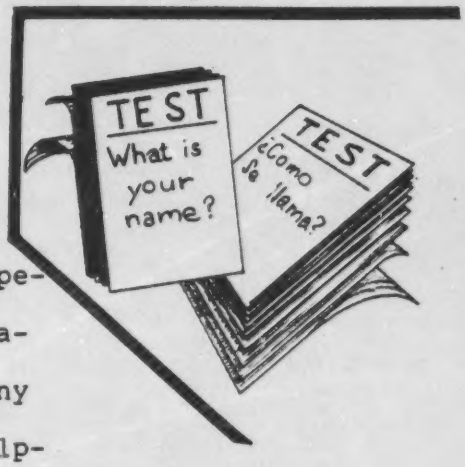
10. How are procedural safeguards provided for the handicapped child and his/her parents?



Through written notification and active participation in meetings. Parents must be notified in writing if their child is to be tested for placement into a special education setting. Parents must be actively included in any decision about the actual placement of their child into a special program. Parents also should be involved in all future reviews of placement and should be informed of all evaluations of student progress.

11. Can a student be placed into special education classes as a result of a teacher's recommendation?

No. Although a teacher may be the first to suggest that a student should receive special education services, a student may not be classified as a special education student solely on a teacher's recommendation. A formal assessment must be conducted for any child being considered for special education services.



12. What is a "formal assessment"?

A formal assessment of a child is the process of gathering information about the child being referred for special education services. The information to be gathered should include any and all information that might be help-

ful in determining whether or not a child should receive special education services. This includes appropriate test and formal evaluation data; a determination of the child's dominant language, and family background; the child's developmental history; past academic records; present levels of functioning in school; and other information that might be required. The child should receive especially thorough testing in the area of the suspected handicap (such as hearing, vision, emotional disturbance, etc.).

13. What does P.L. 94-142 say about this formal assessment? Does it specify particular tests to be used?

No. The law does not suggest specific tests to be used in the assessment process. However, it does require a number of guidelines be followed with regard to the use of tests and other evaluation procedures. Chief among these guidelines are the following:

A. No single test procedure may be used as the sole basis for determining an appropriate educational program for a child.

B. All tests and other evaluation materials must be provided and must be administered in the child's native language.

C. The tests and other evaluation materials and procedures must not discriminate against racial or ethnic groups.

D. The assessment procedure must be carried out by appropriately trained professionals.

14. Once a child has been appropriately assessed and it has been determined he/she has a particular handicapping condition, what happens next?

An Individualized Education Plan (IEP) must be developed for each child to be enrolled in a special education program.

15. What does P.L. 94-142 say about this "Individualized Education Plan"?

Quite a bit! At this point, however, you simply need to know that an individualized plan for educating each child must be developed before a child receives special education services. It also may be called an Individualized Development Plan, an Individualized Habilitation Plan or Individualized Program Plan. This plan must be developed in consultation with the child's parents. It should be based on the information gathered through the assessment process and must be formally reviewed every year.

16. After it has been determined a child has particular handicapping condition, where should the child be placed or sent in order to receive his/her education?

The child should be placed in the "least restrictive environment." This simply means that--when appropriate--the child should be placed with children with no handicapping conditions. In other words, the handicapped child should, whenever possible, be placed into the "mainstream" of the educational process.

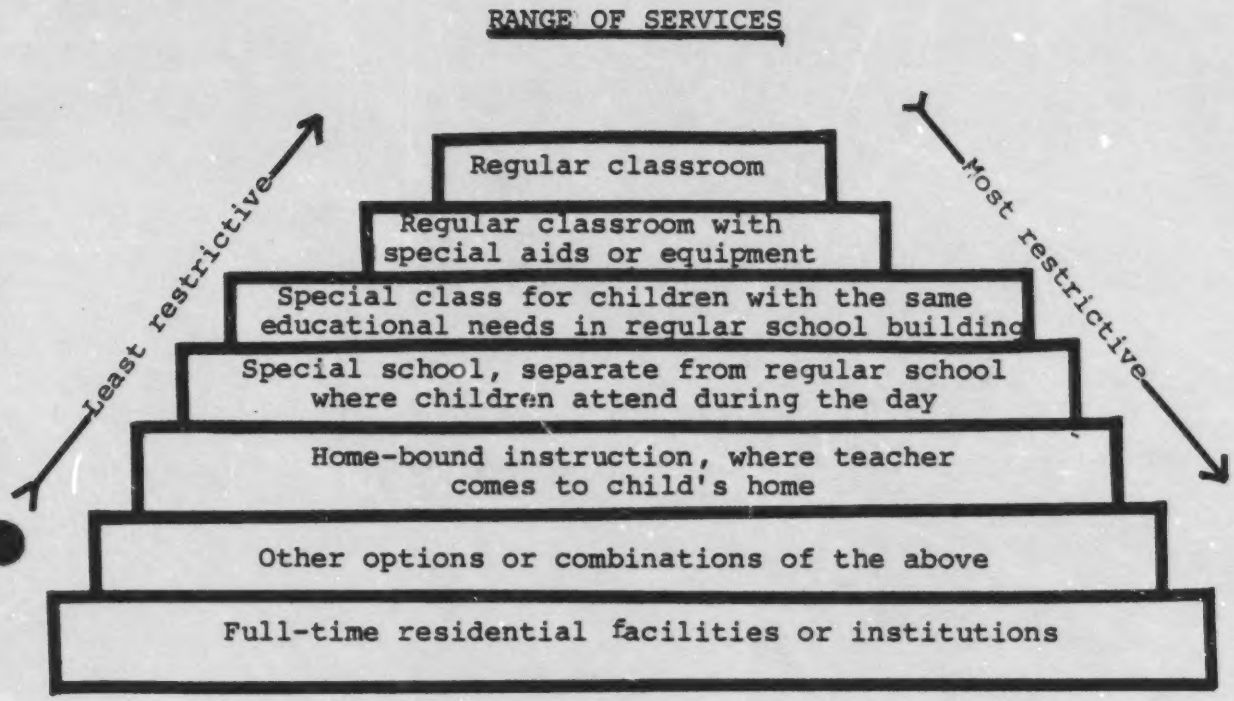
17. Does this mean, then, that P.L. 94-142 requires that a child be "mainstreamed"--placed in a regular classroom with nonhandicapped children?

No. The law does not require that the child be placed into the regular classroom. It simply states that, based on the unique needs of each child, the student should be placed in the regular classroom to the maximum extent possible. The law does not even use the word "mainstream."

18. Are some educational placements less "restrictive" than others? What determines which level of placement is appropriate for a particular child?

Yes, there is a range of placements, each of which is --more or less--restrictive than the other placement alternatives available. The least restrictive (or most free) placement is in the regular classroom. The most restrictive (or least free) placement is in a full-time residential or institutional program. There is a wide range of alternative placements between these two extremes as shown on the next page in Figure 1.3.

Figure 1.3


RANGE OF SERVICES
Least restrictive
Most restrictive
Regular classroom
Regular classroom with special aids or equipment
Special class for children with the same educational needs in regular school building
Special school, separate from regular school where children attend during the day
Home-bound instruction, where teacher comes to child's home
Other options or combinations of the above
Full-time residential facilities or institutions

(Reynolds, 1962,pp.367-370)

Appropriate placement is based on the type and severity of handicapping condition the child has. In general, the more severe the disability, the more restrictive the placement is likely to be.

19. Does P.L. 94-142 make any provision for protecting the privacy of all this information gathered on students with handicapping conditions?

Yes. These provisions are referred to as dealing with "confidentiality of data and information." That is, there are regulations designed to guarantee that this information will remain private and confidential.

20. What are some of these requirements regarding confidentiality of information?

The requirements are essentially the same as those guaranteed by another law, the Family Education Rights and Privacy Act (1974). In general, this law guarantees parental control over school records. No one may look at the school records of handicapped children without written permission from the parents. At the same time, the law assures that parents may examine all school records of their children at any time.

21. Does P.L. 94-142 deal only with public schools regarding the education of children with handicapping conditions apply only to public schools?

No. After the process of assessment and developing the Individualized Education Plan, placement into a private school or institution may be recommended. If the IEP calls

for such placement, the services still must be made available to children at no cost to the parents.

22. Do all the conditions and requirements discussed in this section apply also to private schools and institutions?

Yes. The children served by a private agency must be given the same educational rights they would be given in a public setting. This is true whenever a local school district contracts with a private agency to meet the special education needs of a child.

*** *** ***

The questions you have just read cover most of the major provisions of P.L. 94-142. Specifically, this information addresses the following issues or areas of concern:

1. Free and appropriate education
2. Definitions of handicapped children
3. Special education and related services
4. Due process, or procedural safeguards
5. Assessment--testing and evaluation
6. Individualized Education Plans (IEPs)
7. Least restrictive environment
8. Confidentiality of information
9. Private settings

P.L. 94-142 includes much more information regarding other matters in addition to those cited above. However, the ques-

Name: _____

tions and answers here are sufficient to provide you with a basic understanding of the law and all that it includes.

Select any five of the major aspects of P.L. 94-142 listed on the preceding page and write a sentence or two in your own words describing each of them. _____

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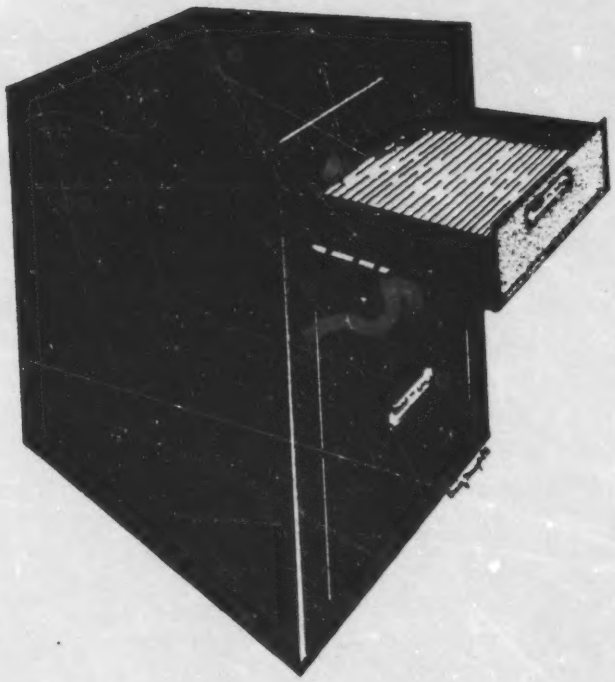
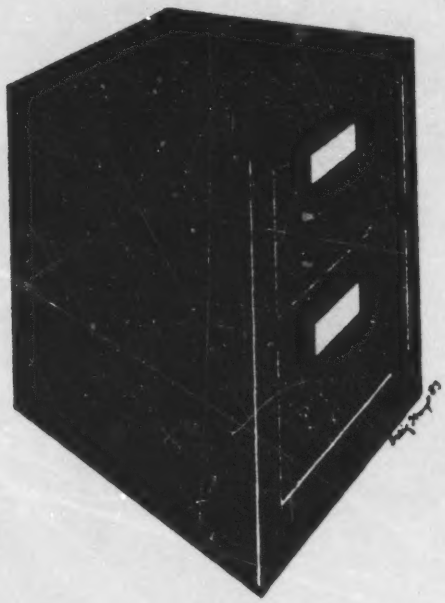


open files



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PARENTS' RIGHTS

DETAILS OF DUE PROCESS

As was mentioned in the preceding section, due process consists of a set of legal steps and procedures intended to protect the individual's constitutional and legal rights. You need to be aware of these steps because of the legal implications of failing to follow them. Many of the lawsuits filed against schools in the area of special education result from the district's failure to observe the procedural safeguards of due process.

The most important of these procedural safeguards are the following:

1. Parents must receive notice in writing before the school either recommends or takes any action that would change their child's school program. Notice in writing also is required if a school considers, but then rejects, placement of a child in a special education program. This notice must be in the primary language of the parents.

2. Parents have the right to give--or withhold--permission for their child to be:

A. tested to determine eligibility for special education services (IDENTIFICATION);
B. formally evaluated to determine exact handicapping condition (ASSESSMENT); or
C. placed in a particular program, receiving certain related services (PLACEMENT).

3. Parents have the right to examine all school records related to their child's identification, assessment and placement. If they find incorrect or otherwise inaccurate or misleading information, they have the right to request the information be removed from the child's file. Once removed, that misinformation cannot be used in planning the child's educational program.

4. If the parents do not agree with the procedures or findings of the school district, they may request a "hearing." A hearing is a formal meeting held for the purpose of determining the accuracy and appropriateness of the school district's identification, assessment and placement procedures. This hearing must be independent and impartial and must be at public expense. It can be requested any time the parents think the school district has misjudged their child's educational needs.

5. If the parents lose the hearing at the local level and still want to argue their case, they may appeal the findings to the State Board of Education. If further appeal is necessary, the parents may then take their case before the state's courts. All of the appeals, however, are at the expense of the parents. Only the local hearing is handled at public expense.

These five rights describe the major procedural safeguards guaranteed by P.L. 94-142. A more detailed list of the various rights guaranteed by P.L. 94-142 follows on the next page. You don't need to memorize the list. However, you should study it carefully so you are aware of these parental rights.

Figure 1.4

PARENTS' RIGHTS

According to the Education for All Handicapped Children Act parents of handicapped children have the right to:

1. participate in the annual planning meeting for your child's Individual Educational Program (IEP) of the affected school year.
2. agree to a time and place for those meetings (always held before the beginning of the affected school year).
3. instruct the local school agency to hold those meetings in your primary language (or make special arrangements for your handicap, if any, including deafness) so that you can understand the proceedings.
4. give your consent before an evaluation is conducted.
5. give voluntary written consent to any activities proposed for the child.
6. seek an independent evaluation of your child at public expense if you find the school's evaluation inappropriate. (The school may request a hearing to decide the appropriateness of its evaluation. If the ruling is in the school's favor, you still have the right to submit an independent evaluation which must be considered but which is then conducted at your expense.)
7. have written notice of any proposed change in identification, evaluation or placement of your child or the school's refusal to change any of these.
8. attend and comment at the annual public hearings held prior to adoption of state program plans. (Hearings must be publicized in advance.)
9. receive a full explanation of procedural safeguards and a description of any proposed actions regarding your child and their basis.
10. see, review, and if necessary, challenge your child's record in accordance with the Family Educational Rights and Privacy Act of 1974 (the Buckley Amendment).
11. request a hearing on any proposal to initiate or change the identification, evaluation or placement of your child, or the agency's refusal to do so within 45 days of your request.
12. request a copy of information from your child's record before it is destroyed in compliance with the law, 5 years after its usefulness ends.

(Network, 1977)

Name: _____

Read the following hypothetical situations and explain how procedural safeguards for parents and children were observed or not observed in each case.

A. The committee at Pine Hill Elementary School that is responsible for deciding which children should be placed in special education clasess met one week after school began. The members concluded that Kim Loo, who had been in a special education class last year because of language problems, could join his regular class again because his English proficiency had improved. The committee sent a note to Kim Loo's parents, refugees from Vietnam, telling them of the decision. The note was written in English.

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B. Rosa was being evaluated by her school to determine whether or not she should be placed in a special education class because of her reading problems. Her mother asked to see her school records because she wasn't sure Rosa's problems were severe enough to warrant a change. The principal told her some of the

Name: _____

records were confidential (for school use only) and records from the previous year had been destroyed.

C. Robert, who is blind, was placed in a special education class after the school committee decided it would be too difficult to teach him in a regular classroom. His parents, however, wanted him in a regular class. They asked for a hearing to re-evaluate his case. After they lost the hearing appeal, they appealed to the local school district and asked it to pay their expenses in carrying the case to the state courts.

D. Mr. and Mrs. Perez's daughter Maria has cerebral palsy. The principal at Maria's school called them to give them information he received about a state hearing for a new program aimed at helping children

with c.p. He encouraged them to attend and take part in the hearing proceedings.

E. Michael Miller's teacher suspects he has a hearing impairment that is interferring with his learning. She requested some tests to see if he might be eligible for special education. His parents said there was nothing wrong with their child and would not give their permission for the tests.

SUMMARY

On the following page you will find another set of rights, similar to the rights of parents of children with handicapping conditions. This one pertains to the rights of the handicapped children themselves. These two sets of rights provide a concise summary of all the provisions contained in the Education for All Handicapped Children Act of 1975 (P.L. 94-142).

Figure 1.5

HANDICAPPED CHILDREN'S RIGHTS

According to the Education for All Handicapped Children Act, handicapped children have the following right to:

1. a free and appropriate public education (FAPE) if they are between the ages of 3 and 18 by September 1, 1978 and if 3-21 by September, 1980.
2. the same variety of programs and services that children without handicaps enjoy, including nonacademic subjects and extracurricular activities.
3. placement in the least restrictive learning environment as much as possible with non-handicapped children and whenever possible at the same school they would go to if not handicapped.
4. the availability of a number of alternative learning settings if attending a local public school is not possible.
5. priority use of supplemental federal funds for those not now being served at all.
6. appointment of a person to act as parent, to be the child advocate and to participate in evaluation and program meetings with the school if natural parents are unavailable or if the child is a ward of the state.
7. participation in the writing of their own Individual Educational Program (IEP) "where appropriate."
8. placement outside the local school district in another public or private school at the state's expense if local schools do not have an appropriate program.
9. testing for purposes of evaluation and placement that is free of racial or cultural discrimination.
10. annual review of placement based on IEP and at least an annual review of that program before each school year begins.
11. remain in present placement during any administrative or judicial proceedings or the right to attend a public school if the complaint involves an application for admission to public school.
12. privacy and confidentiality of all personal records.

(Network, 1977)

By now it should be clear to you that this law is a major step forward in providing for the educational needs of children with handicapping conditions. The two lists of rights provide a vivid reminder of that fact.

Together with the civil rights protection assured by Section 504, this piece of legislation assures a commitment at the highest level of government to equal treatment and equal protection of children with handicapping conditions. As you work with these children, you should be aware of the weight of federal legislation in support of your efforts.

LEARNING EXPERIENCE 3

Special Education In Texas: History and Laws

In addition to the federal legislation, each state may develop its own regulations regarding treatment and programs for handicapped citizens of the states. These laws may not, of course, deny handicapped citizens any of the rights guaranteed to all citizens of our country as specified in the Bill of Rights. Most of the modern state laws that pertain to handicapped citizens have been written to correct past injustices. Those injustices occurred when handicapped persons were excluded from services, programs or treatments that were being provided to non-handicapped persons.

This section will focus on the state of Texas. First it will present the state's history of providing for the education of the handicapped. Then it will examine three pieces of legislation--the Act to Provide for Comprehensive Special Education (1969), the Mentally Retarded Persons Act of 1977 and the Early Childhood Intervention Act (1981).

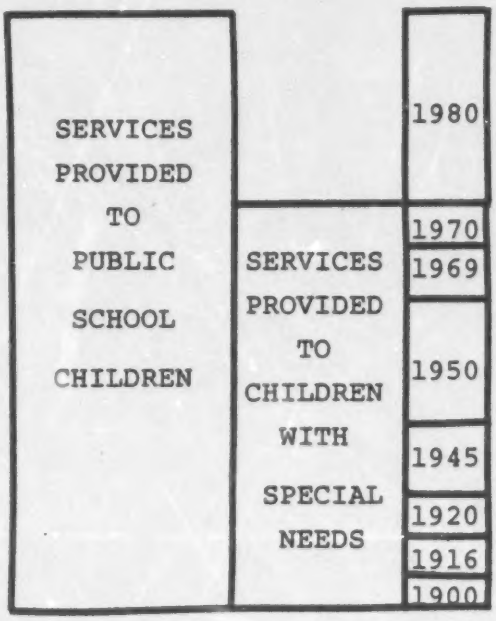
HISTORY OF SPECIAL EDUCATION IN TEXAS

In the early 1900s, some public schools in Texas, primarily in the large cities, began programs for the handicapped. These programs were at the option and expense of the local school districts. They were generally the result of parents' requests. For example, by the 1917-18 school year, Houston public schools operated two day-school classes for deaf children and two

classes for children who were mentally retarded. Dallas, by 1921-22, also had two classes for handicapped children.

In 1916, a compulsory school attendance law was passed in Texas. It said that all children, ages 7-18, must attend a minimum of 80 days of school a year. By 1920, Texas law had no provisions for exemption for school attendance.

In 1945, the Special Education Act was passed by the 49th Legislature. This act created a new division for special education within the Texas Department of Education. It also established $300,000 for special education funds and gave local school districts broad authority in funding their own programs. It was a permissisve law, because it did not require school districts to set up special education classes if they did not choose to do so. However, if a school district offered special education of any kind for any one group of exceptional children, they could be required to provide equal services for other groups. Under the law, if five or more parents requested such services, the school district had to provide them.



Special education programs in public schools grew rapidly during the 1950s. However, such programs enrolled only children ages 7 through 18 years old. Parents of handicapped children,

particularly mentally retarded children, wanted appropriate pre-school programs and continuing education or job skill training for their young adults.

Some of the other forces at work in the 1960s that produced the new Texas Special Education Law were:

1. State institutions for the mentally retarded were terribly overcrowded. Both parents and professionals demanded changes or "deinstitutionalization."
2. President Kennedy had a mentally retarded sister. Having a president with a personal understanding of mental retardation was a powerful force in getting needed legislation through Congress.
3. Special education classes had become a dumping ground for unwanted children, most of them minority children.
4. Professionals in special education recognized the need for early intervention and training of handicapped children. Beginning school at age 7 was entirely too late for a mentally retarded or physically handicapped child.
5. Parent groups--particularly the National Association for Retarded Children (now known as the NARC) and the Association of Children with Learning Disabilities --had strong voices with which to pressure legislatures to enact new laws.
6. In Texas, special education programs varied greatly from one school district to the next, according to

local funding. Additionally, programs available in one community were not available at all in others.

7. Many children, particularly those labeled "emotionally disturbed" or "autistic," were still excluded from public school programs.
8. Texas Education Agency Special Education staff realized the need for an updated law in Texas.
9. The civil rights movement provided integration of all ethnic groups into a "mainstreamed" society, making people aware of the need for equal rights for handicapped individuals as well.

Summarize the reasons why new legislation to provide services to handicapped persons was needed in Texas by the end of the 1960s.

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STATE LEGISLATION

S.B. 230

In 1969, after considerable groundwork was laid, the Texas Legislature passed Senate Bill 230: An Act To Provide A Comprehensive Special Education For Exceptional Children. This law provided funding for educating persons between the ages of 3 and 21 years (inclusive).

Basically, the law does the following:

1. Defines what is legally meant in Texas by the term "exceptional child." (In addition to those included in P.L. 94-142, the law includes pregnancy as a specific handicapping condition.)
2. Explains what kind of special services will be provided.
3. Provides state financing of the program.
4. Authorizes the Texas Education Agency (TEA) to establish regulations and policies to implement the program at the school district level.
5. Requires that small school districts form cooperative special education programs. In this way, no matter where a family lives in Texas, equal provisions are made for each handicapped child.

6. Additionally, the law recognizes the use of paraprofessionals in special education programs. It defines paraprofessionals as "persons engaged as teacher aides, who may or may not hold a teaching certificate."

Name: _____

S.B. 230 passed both the Texas House of Representatives and the Senate unanimously. It was considered "emergency legislation," to become effective September 1970. The regulations developed by TEA staff indicated that each school district was to have a newly designed special education program fully operating by the 1975 school year.

A flurry of activity began throughout the state. Small school districts had to come together and form cooperatives. School districts and cooperatives had to develop a plan to educate large numbers of learning-disabled children. Also, all school districts and cooperatives had to plan and provide programs for both preschool and older (18-21) student populations. **Summarize four of the six major provisions of SB 230, the Act To Provide A Comprehensive Education For Exceptional Children.**

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S.B. 700, the Mentally Retarded Persons Act of 1977

In 1977, the state legislature passed S.B. 700--the Mentally Retarded Persons Act of 1977. The reason for passing the act was to replace an earlier Mentally Retarded Persons Act that was more than 20 years old. During that time, attitudes about the mentally retarded had changed considerably and new developments had occurred.

The purposes of the act were:

- to state public policy of providing full opportunity for development of mentally retarded persons by providing a continuum of quality services;
- to provide for basic due process considerations and considerations of parental desires when placement in residential facilities is required; and
- to recognize that mentally retarded persons have the same rights and responsibilities as other citizens. (Subchapter A, Section 1)

One of the subchapters of the act was written to "recognize and protect the individual dignity and worth of mentally retarded persons" (Subchapter C, Section 1). Apparently recognizing that education is central to protecting individual dignity and worth, the act includes a separate section dealing specifically with education.

Section 8 of Subchapter C is entitled "Right to Education." In it, two basic rights are established. First, it establishes that every mentally retarded person has the right to receive publicly supported educational services. These services must include--but not be limited to--all services being provided through the Texas Education Code (the laws governing education in the state of Texas). These services must be made available regardless of the age of the mentally retarded person and regardless of how severe the handicapping condition is.

Name: _____

Secondly, the law states these services must be appropriate to the individual needs of the handicapped person. This ensures that each mentally retarded person will receive an educational program with related services designed for him/her alone. An educational program with related services designed for a group of people--the mentally retarded--will not be forced on an individual mentally retarded person.

Because this law was passed after the Education for All Handicapped Children Act of 1975 (P.L. 94-142), it had the effect of adding state-level civil rights protection to the federal-level protection already available through P.L. 94-142. The section dealing with education was a very small piece of a much larger body of legislation, all of it intended to update older laws that were on the books.

What are the two provisions of the Mentally Retarded Persons Act of 1977 that affect the education of mentally retarded persons?

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S.B. 630, the Snelson Bill

Both the federal legislation for the education of handicapped children (P.L. 94-142) and the state legislation authorizing special education (S.B. 230) specify the age of 3 as the minimum age a child must be in order to be eligible for benefits under the laws. Many educators have argued for years that ear-

lier identification and intervention strategies are needed to provide the best chances for maximum growth and development.

The Early Childhood Intervention Act was passed in 1981. It targets children younger than age 3 for early identification and intervention programs. It changed the Texas Education Code, the Texas Mental Health and Mental Retardation Act and the Mentally Retarded Persons Act of 1977. Those laws now include children younger than age 3 among those eligible for benefits.

The law (also known as the Snelson Bill) defines the type of child who is eligible for early intervention programs as:

- Any child younger than 3 years old who is developmentally delayed (a significant delay beyond acceptable variations in normal development) in one or more of the following areas:
    - Cognitive
    - Gross or fine motor
    - Language or speech
    - Social or emotional
    - Self-help skills
    - An organic defect or condition that will result in such a delay

The bill also authorizes the establishment of a state-wide Interagency Council. The council is composed of one member appointed by the governor and one staff member from each of the following:

- Texas Department of Health
- Texas Department of Mental Health/ Mental Retardation
- Texas Department of Human Resources
- Texas Education Agency

This interagency council is responsible for developing a state plan for early childhood intervention services that include:

- Assessing child and family needs statewide and coordinating resources to meet those needs
- Assessing manpower needs statewide
- Assisting private sources to maintain or develop new programs
- Developing a due process procedure for individual complaints about services

SB 630

The Snelson Bill also establishes an advisory committee composed of parents, professionals and advocacy groups. This committee will "assist the council in the performance of its duties." This advisory committee may

Name: _____

be divided regionally into subgroups so local program needs may be considered more carefully.

This early childhood intervention law also requires that the Texas Department of Health (TDH) develop a statewide plan to identify developmentally delayed children younger than age 6. Also, the TDH is required to provide parent counseling to assist parents in developing positive attitudes, coping skills and communication skills.

Which group of children has been included in Texas special education programs since the passage of S.B. 630 in 1981?

_____

Give three examples of children who are developmentally delayed who may benefit from this law (S.B. 630). _____

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LEARNING EXPERIENCE 4

Selected Case Law (Litigation) Related to the Education of Handicapped Children

INTRODUCTION

The introduction to the previous section mentioned that there are three types of law: constitutional, statutory and case law. That section focused on certain federal and state statutes, or laws, related to the education of children with handicapping conditions. This section will focus on case law, or "litigation," related to the education of children with handicapping conditions.

The impact of court cases on special education has been and continues to be great. It is possible to discuss only a small portion of the thousands of special education cases that have been ruled on at the various levels of our judicial system. We are therefore going to examine only some of the more famous cases regarding education of the handicapped.

These cases are considered "landmark" cases, or cases of great significance. They are important because they have served, and continue to serve, as "precedents" in their areas of law. This means that when other subsequent litigation (court cases) over similar matters are decided, these cases are used as a basis for making those decisions.

A brief explanation of the way in which the cases are referred to in this section might help you in your reading. Court cases are referred to (cited) in a particular way. For example,

Name: _____

examine the following: Lau vs. Nichols (1974). The first name given, Lau, is the "plaintiff" in the case. That is, Lau is the person or party bringing the suit against the other party or parties. "Vs." means "versus," or against. The second name given is the "defendent" in the case. That is, Nichols is the person or party against whom the suit is being filed. 1974 is the year in which the case was ruled upon, not the date when the suit was originally filed.

In the following examples of court cases, identify the plaintiff and the defendents:

	Plaintiff	Defendent
Otera vs. Mesa	_____	
Tinker vs. des Moines	_____	
Ingraham vs. Wright	_____	

The court cases that follow are arranged according to four special education principles that they involve: zero-reject, non-discriminatory evaluation, least restrictive environment, and appropriate education. Each of these terms will be explained in greater detail later. You should already be familiar with most of the principles from your understanding of P.L. 94-142. In any case, by the time you have finished this module, you will have an even greater understanding of these fundamental concepts of educating children with handicapping conditions.

ZERO-REJECT

Zero-reject is the principle that no children (zero) should be withheld (rejected) from receiving an appropriate education

because of handicapping conditions. It implies that children have a right to be different. It also implies that society--through its school systems--must adapt to the child's differences. It reverses the thinking that the child must adapt to the school setting or be rejected from it.

Brown vs. Board of Education of Topeka (1954)

Although this case, better known as Brown vs. Topeka, dealt with establishing the rights of black children to equal educational opportunities, it affected the education of handicapped children as well. In the case the Supreme Court prohibited the practice of having separate schools for black and white children. It found that separate schools for black children were "inherently unequal" to those of the white children. The court did not argue that the schools themselves--the buildings, the teachers, the equipment--were inferior to those of the white students.

Rather, the court argued that the black schools were unequal because of their "separateness." The justices thought the very creation of a school for the purpose of separating children solely on the basis of the color of their skin was a violation of the U.S. Constitution. Specifically, they thought it violated the equal protection clause of the 14th Amendment.

Name: _____

The practice of separation because of some difference, and the denial of educational opportunity that results from this separation, have obvious implications for the education of children with handicapping conditions. The court's decision often has served as the basis for decisions that equal access also must be given to handicapped persons, just as it was given to black children.

Why is Brown vs. Topeka considered a landmark case for services to children with handicapping conditions? _____

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Pennsylvania Association for Retarded Children (PARC) vs. Commonwealth of Pennsylvania (1971)

This was the first and most important of a large number of cases filed by a parent group (PARC) on behalf of handicapped children. PARC vs. Pennsylvania established the right of every mentally retarded child to have access to a free program of education and training.

This decision was handed down four years before either P.L. 94-142 or the guidelines for implementing Section 504 were in force. It established many of the procedural and due process safeguards that were later included in those federal statutes. Its overall effect, of course, was to apply the zero-reject principle to mentally retarded children. The school systems were ordered to make provisions for this group of students so

Name: _____

they, too, might have equal access to a free and appropriate education.

Mills vs. Board of Education of the District of Columbia (1972)

This case reinforced PARC vs. Pennsylvania and extended the findings in that case to cover all handicapped children, not just those who are mentally retarded. It found that all children, regardless of their handicapping condition, were entitled to a free public education. It also reinforced the need to follow the due process and procedural safeguards. Finally, it noted school systems could not use "lack of funds" as an excuse for depriving handicapped children of an appropriate education. In other words, the principle of zero-reject must be adhered to (followed) regardless of the cost to the school district.

What is the difference between the findings in PARC vs. Pennsylvania and Miles vs. Board of Education? _____

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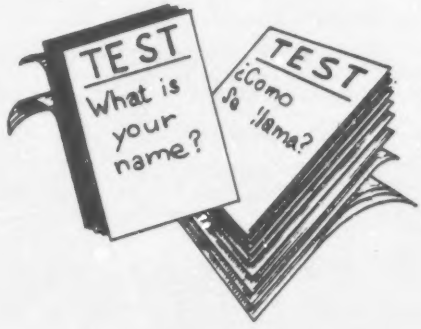
NON-DISCRIMINATORY EVALUATION



In the previous discussion of P.L. 94-142, we noted that, in the formal assessment procedures, "the tests and other evaluation materials and procedures must not discriminate against racial or ethnic groups." Evaluation procedures that discriminate against, or treat unfairly, one

group or another are therefore unlawful according to the statute.

Case law, too, has found such testing practices to be unlawful. In ruling in these cases, however, the courts based their arguments on the Constitution itself rather than on a single piece of legislation.

The constitutional argument against discriminatory testing goes something like this:

A. The Fifth and 14th Amendments establish that a person shall not be denied the right to liberty and property, except by due process of law.

B. Denying a person an education is the same as denying a person the opportunity to acquire property.

C. If unfair, discriminatory testing procedures are used, students will be mistakenly identified as handicapped and "tracked" into programs in which they do not truly belong and which may prevent them from enjoying the same educational opportunities other students have.

Explain the constitutional argument against discrimination in assessment procedures. _____

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_____

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There are many court cases dealing with allegations (accusations) of unfair or discriminatory testing practices. Two of the more famous cases will be presented here.

Diana vs. State Board of Education (1973)

In Diana vs. State Board., the lawsuit involved the practice of testing Mexican-American students with IQ tests written in English, therefore disregarding the dominant language spoken by the students. On the basis of their IQ test scores, students were being placed into classes for the mentally retarded.

The court ruled in this case that tests written in English could not be used as a basis for placement into special education programs with children whose dominant language Spanish. This and other courts since Diana have ruled that assessment procedures must take into account both the child's dominant language and his/her cultural background.

Larry P. vs. Riles (1974)

This case also dealt with the appropriate use of tests when placing children in various special education settings. In this instance, black students were being placed into classes for the educable mentally retarded (EMR) in a disproportionately high number. That is, the percentage of black students being identified as EMR was much greater than that of white students.

The sole basis for recommending placement into the EMR classes was an IQ test. The courts did not rule on the fairness of the test itself, although the plaintiffs had argued that the test was culturally biased and unfair.

Name: _____

The courts did rule, however, that no single test or assessment instrument could be used as the sole basis for making a decision to place a student in classes for the mentally retarded. The former practice was considered particularly indefensible because it resulted in an over-representation of black children in EMR classes. The courts thought the practice--if allowed to continue--would have the effect of re-establishing separate schooling for the different races.

What effect did the decisions in Larry P. vs. Riles and Diana vs. Board of Education have on testing procedures for placing children in classes for mentally retarded students? _____

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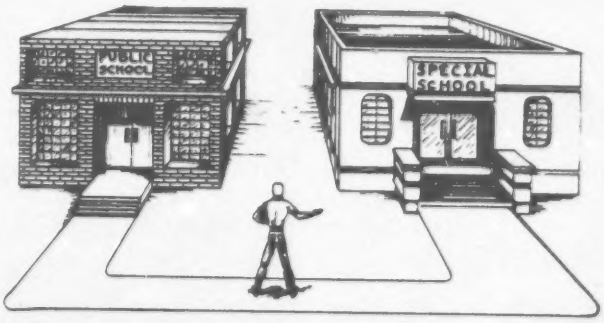
_____

LEAST RESTRICTIVE ENVIRONMENT



Placement in the "least restrictive environment" refers to the practice of placing children with handicapping conditions into the regular classroom to the maximum extent possible. Available placement alternatives range from full-time institutions (most restrictive) to the regular classroom (least restrictive). In addition to PARC (discussed previously), two other cases serve to illustrate the courts'

adherence to this basic principle of appropriate special education--the right to be placed in the least restrictive environment.

LeBanks vs. Spears (1973)

This Louisiana case involved charges of both improper testing and subsequent misplacement of students in special schools for the mentally retarded. The focus of the ruling, however, was on the school district's failure to consider regular classroom placement among the possible placement alternatives available to it.

It established a lengthy and detailed procedure for the school district to follow in testing and placing children in special education programs. These remedies (solutions to legal problems) generally followed the guidelines established in P.L. 94-142, with which you are already familiar.

Maryland Association of Retarded Citizens (MARC) vs. Maryland (1974)

The issue in MARC vs. Maryland was not whether or not children should have been placed in the regular classroom. It was, however, a case that focused on the right to placement in the least restrictive environment. In this case, the argument was for the right to homebound instruction and other alternatives that are less restrictive than placement in institutions.

In both the LeBanks and the MARC cases, the courts ruled there was ample evidence of misclassification. This resulted in inappropriate placement, which resulted in denial of meaningful educational opportunities for the students involved. To over-

Name: _____

come these deficits, the courts ruled one of the most effective remedies available was the enforcement of the standard of placing students in the least restrictive environment.

Which issues were the same in LeBank vs. Spears **and** MARC vs. Maryland**?** _____

_____

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_____

Which were different? _____

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_____

APPROPRIATE EDUCATION

All of the cases presented so far have dealt with the concepts of either zero-reject, non-discriminatory evaluation or least restrictive environment. These cases also involve the school systems' failure to provide an "appropriate education" for the students involved. This is true because rejecting a student from the regular program or using unfair assessment procedures always results in the child's receiving an inappropriate education.

What makes up an "appropriate education"? To answer, we need simply to return to the guidelines contained in the two federal statutes described earlier--P.L. 94-142 and Section 504.

P.L. 94-142 does not specify what is required in every instance in order to provide an appropriate education. However, it does state that every child with a handicapping condition must be given an Individualized Education Plan (IEP). It is through the IEP, therefore, that every student will receive an education that has been carefully designed to be appropriate for his/her individual needs.

Section 504 does basically the same thing. It requires that each handicapped child receive special education and related services and aids designed to meet his/her individual educational needs. This must be done in a way that matches as closely as possible the educational opportunities afforded non-handicapped children. An appropriate education, then, is one that has been specially designed to meet the individual needs of a particular child.

Board of Education of Hendrick Hudson School District vs. Rowley (1982)

In this 1982 decision, the Supreme Court upheld all of the fundamental principles of P.L. 94-142, but denied Amy Rowley the right to have a sign language interpreter present in her classes. The concept of what exactly constitutes an "appropriate education" was at the heart of this case.

In a split decision (6-3), the majority of the Supreme Court justices found that Congress (through the passage of P.L.

94-142) did not intend to give handicapped children a right to "strict equality of opportunity or services." They said to do so would require measurements and comparisons that would be simply impossible to carry out.

Rather, they believe P.L. 94-142 simply guarantees handicapped children access to a "meaningful" education. They ruled that handicapped children cannot be guaranteed the best possible education that would "maximize their potential for learning."

Among the main reasons for their findings was the fact that Amy Rowley was performing satisfactorily without an interpreter. The court found that because Amy was an excellent lip reader and the school was already providing numerous other support services, the school district was providing her with an appropriate education as called for in her Individualized Education Plan. In this regard, the court did not feel it was its place to decide whether or not the IEP was correctly written. That judgment, they thought, was better left to the educators involved at the local level.

At least four important lessons should be kept in mind regarding the Rowley case:

1. P.L. 94-142 has been shown not to guarantee the handicapped child the best education possible--just an "appropriate education." This is something that must be judged on an individual basis.
2. Rowley does not establish a precedent for not providing interpreters for hearing-impaired students.

Name: _____

It simply states that in this case, an interpreter was not required under the provisions of P.L. 94-142.

3. Section 504 of the Vocational Rehabilitation Act was not argued in this case. Remember, this act applies to any program. Colleges, hospitals and other places receiving federal money still must provide interpreters according to the provisions of Section 504.

4. In striking down Amy Rowley's claim to the right for an interpreter, the Supreme Court at the same time affirmed (upheld) all of the basic principles of P.L. 94-142:

   - Individualized instruction
   - Sufficient support services to benefit from education
   - Instruction and services at public expense
   - Parental involvement in IEP development
   - Due process rights for parent and child

Explain the interpretation of "appropriate education" that set a precedent because of the decision in the Rowley case.

_____

_____

_____

_____

_____

SELECTED LITIGATION

ZERO-REJECT

BROWN vs. TOPEKA

MILLS vs. BOARD OF EDUCATION

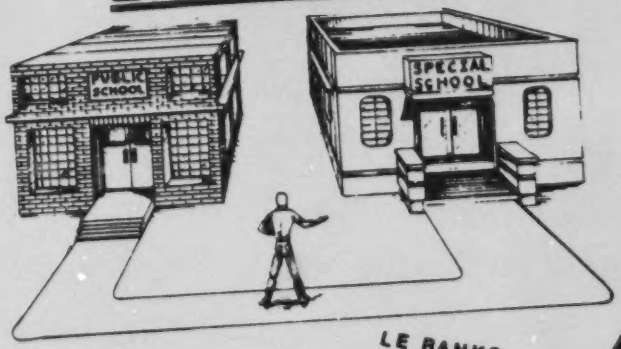
P.A.R.C. vs. PENNSYLVANIA

NON-DISCRIMINATORY EVALUATION

DIANA vs. STATE BOARD

LARRY P. vs. RILES

LEAST RESTRICTIVE ENVIRONMENT



M.A.R.C. vs. MARYLAND

LE BANKS vs. SPEARS

APPROPIATE EDUCATION

BOARD vs. ROWLEY

Summary and Implications

In this Unit you have examined information intended to give you a basic understanding of both the historical and legal perspectives in which the education of special children exists today. The early treatment of handicapped persons in this country stands in stark contrast to the special attention afforded them through recent federal and state legislation passed on their behalf. Litigation at every level of our judicial system affirms the civil and constitutional rights of children with handicapping conditions.

It should be clear to you now, not only where we stand in our treatment of the handicapped today, but how far we have come in order to reach this place. As you work or continue to work with handicapped children, you should not lose sight of the numerous battles that have been waged and won in recent years on behalf of these children. Neither should you lose sight of the fact that yesterday's victories can be lost to tomorrow's defeats. Laws are not unalterable. They are due to change whenever the social forces that shape political actions decide they should be changed.

You must, therefore, actively encourage and support any efforts that promote the improvement of equal educational opportunities for children with handicapping conditions. In this way, you are doing your part to ensure that special children are never again "excepted" from a free and appropriate education.

Appendix 1.1

Definitions of "Handicapped" as used in P.L. 94-142

The terms used in this definition are defined as follows:

(1) "Deaf" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

(2) "Deaf-blind" means concomitant hearing-visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

(3) "Hard of hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section.

(4) "Mentally retarded" means significantly subaverage general intellectual functioning existing concurrently with deficits, in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

(5) "Multihandicapped" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.

(6) "Orthopedically impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis; etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

(cont.)

(7) "Other health impaired" means limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

(8) "Seriously emotionally disturbed" is defined as follows:

(i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

(A) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(C) Inappropriate types of behavior or feelings under normal circumstances;

(D) A general pervasive mood of unhappiness or depression; or

(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

(ii) The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

(9) "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak read, write, spell, or to do mathematical calculations. The term includes such conditions

(cont.)

(Definitions, cont.)

as perceptual handicaps, brain injury, minimal brain dysfunctions, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, or of environmental, cultural, or economic disadvantage.

(10) "Speech impaired" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.

(11) "Visually handicapped" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

(20 U. S. C. 1401 (1), (1 .)

Appendix 1.2

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Appendix 1.3

UNTANGLING THE COURT SYSTEMS

Disputes over laws concerning children with handicapping conditions are brought to either state or federal courts, depending on which laws or regulations apply. A number of courts in both systems are located in San Antonio, which looks to the layperson like a confusing tangle of courts with similar names and numbers. The following is a brief summary of these courts and their functions.

The court system in Texas operates on basically five levels: (1) justice of the peace and municipal courts, (2) county courts, (3) district courts, (4) intermediate and appellate courts, and (5) supreme courts.

At the bottom of the system are the justice of the peace (precinct) courts and municipal courts. They have limited jurisdiction and the right to hear "original" cases (cases that have not been heard before). These courts hear minor criminal and civil matters having to do with their city or precinct (larger cities are divided into precincts to handle these cases). All their cases may be appealed to county courts.

County courts have jurisdiction within their counties in cases of general probate (wills), in original and appeal cases, both civil and criminal. County courts are often responsible for appointing guardians and committing persons to mental insti-

tutions. In some counties with large populations, additional courts are provided to handle the larger case load. They are called County Courts of Law. Bexar County has six such courts.

(The County Commissioners Courts in Texas are not really courts, but the administrative governing bodies for the counties. The county judge is not really a judge and does not even have to be an attorney to be elected to that position. The custom of calling these boards "courts" is a holdover from early days when elected officials often served judicial offices in their territories.)

State district courts are general trial courts that hear both original and appeal cases. There are more than 300 district courts in Texas. Nineteen new ones were established in 1981 to be set up at various future dates. Bexar County has 19 state district courts.

Intermediate appellate courts, called courts of appeals in Texas, hear cases referred to them by the lower courts. They are divided in this state into civil courts of appeals and criminal courts of appeals. Only rarely do they hear original cases. Their jurisdiction extends only within the boundaries of their districts. There are 14 courts of civil appeals in Texas. San Antonio lies in the Fourth District, which covers 32 counties. One chief justice heads this court, with five associate justices. The Fourth Court of Appeals has its offices in the Bexar County Courthouse in San Antonio.

The highest courts in the state are the Texas Supreme Court and the Court of Criminal Appeals. Both are located in Austin,

the state capital. The Supreme Court has one chief justice and eight associate justices. These bodies are "courts of last resort," one for civil and one for criminal matters. They hear appeal cases, make decisions on the interpretation of state laws and determine whether laws passed by the Texas legislature are constitutional.

Texas also has nine administrative judicial districts whose presiding judges are chosen by the governor from among elected district judges. These offices are solely administrative, for the purpose of managing case loads and facilitating communication between judges in the state.

Cases involving federal laws are heard in U.S. District Courts, which are located regionally throughout the country. The San Antonio Division is part of the Western Region, which includes 14 counties. There are six other divisions in the region. Officer of the San Antonio Division are located in the federal courthouse in San Antonio.

The next step in the federal system is to the U.S. Circuit Court of Appeals, where cases are appealed from the district courts. There are 11 judicial circuits in the country. Texas is in the Fifth Circuit, with offices in New Orleans. In addition to the chief justice in Washington, D.C., this court includes an acting justice in New Orleans and circuit judges in cities throughout the jurisdiction (Austin, Houston, Dallas, etc.).

The U.S. Supreme Court is the final court in the federal system, hearing appeals from lower courts and issuing opinions

on questions of constitutionality of laws passed by the U.S. Congress. It's decisions are binding on all lower courts, both state and federal.

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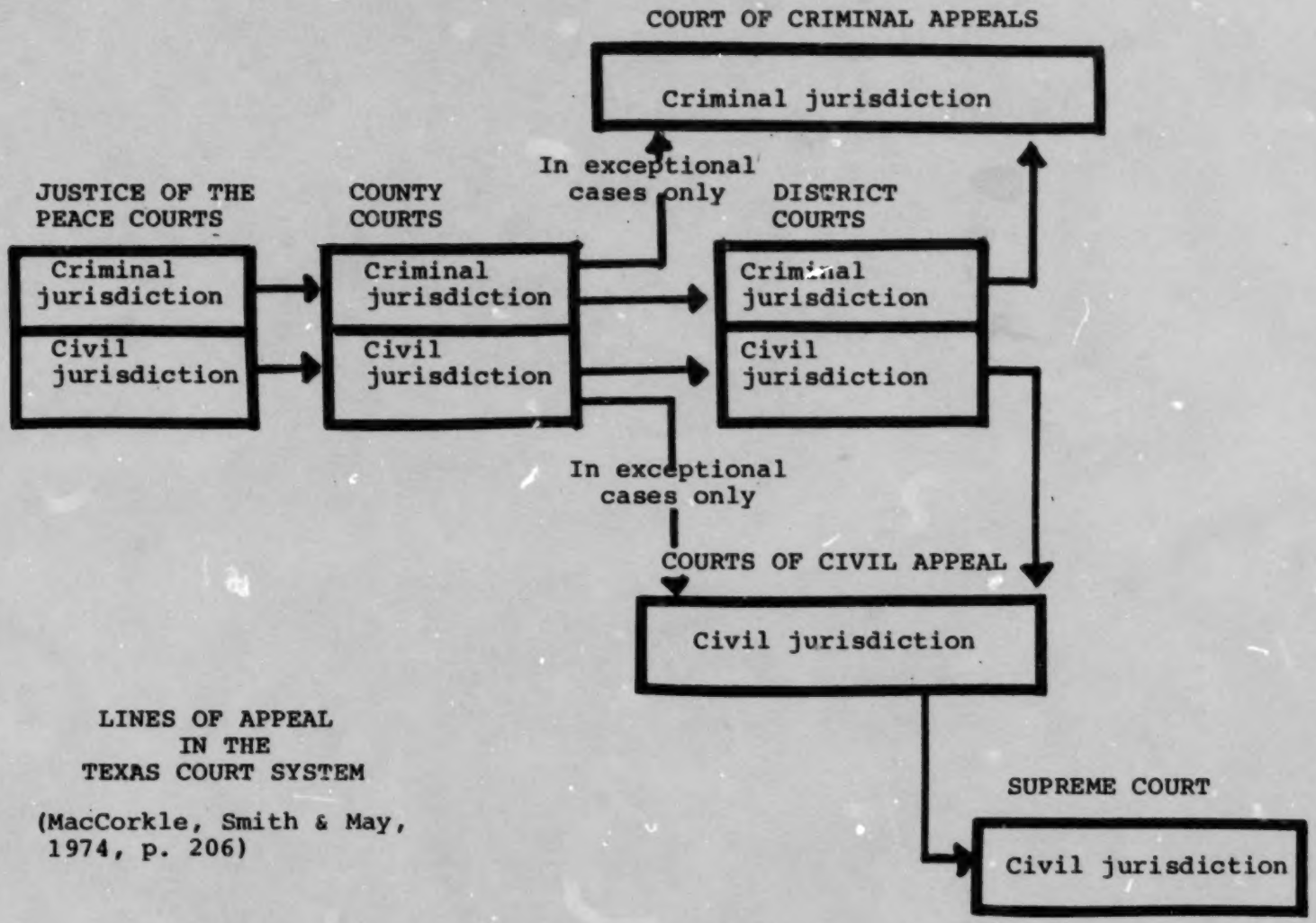


LINES OF APPEAL
IN THE
TEXAS COURT SYSTEM

(MacCorkle, Smith & May, 1974, p. 206)

Court of Appeals Chart

UNIT II

THE TEAM APPROARCH
TO WORKING WITH SPECIAL CHILDREN

UNIT II

REQUIRED LEARNING EXPERIENCES

1. Read "Introduction" and Learning Experience 1, "The Paraprofessional". Answer the questions in this section.
   TI _____ R(NA) _____ R(A) _____

   Be prepared to discuss in class how the paraprofessional benefits schools or agencies working with handicapped children and how the use of paraprofessionals benefits the children.

2. Read Learning Experience 2, "The Parents" and answer the questions in that section.

   TI _____ R(NA) _____ R(A) _____

   Be prepared to discuss in class what you think might be the greatest obstacle for you in achieving a good relationship with the parents of children in your class. Be ready to explain how you would go about overcoming that obstacle.

3. Read Learning Experience 3, "The Community" and answer the questions in that section.

   TI _____ R(NA) _____ R(A) _____

   Pretend you are the parent of a child with a specific handicapping condition. Be prepared to discuss in class what kinds of services you would want community organizations or agencies to provide for you and your child.

Unit II

OPTIONAL ACTIVITY

Paraprofessional Interview

Interview two paraprofessionals working in different kinds of sites. Write a paper on what they tell you about their jobs. Include some of the following things:

- What qualities or characteristics do you believe are the most important for being a successful paraprofessional?
- Which one is the MOST IMPORTANT characteristic or quality?
- What is the most satisfying aspect of your work with:

  -parents
  -children
  -teachers and other paraprofessionals

- Which area of relationships presents the most difficulty:

  -children
  -parents
  -teachers and other paraprofessionals

- How much of your time is spent in direct teaching service to children?
- Are you even in charge of the classroom? If so, how often? On a regular basis or only in emergency situations? How do you feel about that?
- How much training did you have for this position? Was it adequate?
- Do you plan to take additional courses in child development
- Do you see yourself as an important person in the education process?
- What are your career goals?

Be sure to include basic information--the setting (what kind of school or center); the kinds of children served; how

many teachers and paraprofessionals are on the staff; and how long the person you interview has worked there and in the profession. Tell them you will be using their real names but they need answer only the questions they feel comfortable with.

UNIT II

OPTIONAL ACTIVITY

Parents' Rights

Write to the Texas Education Agency (201 E. 11th, Austin, Texas, 78791) and ask for a copy of the parents' rights pamphlet, Parent and Students Rights for Special Education, and to the Association of Retarded Citizens (ARC), 833 Houston St., Austin, Texas, 78756, for a copy of the Texas Parents Check List to the Educational Process.

Using this information, prepare a presentation explaining how the law ensures that parents of handicapped children will have a place on the "learning team."

Plan the presentation for a specific audience--parents, paraprofessionals, a community agency. Explain why you want them to know about parents' rights.

This may be done as a written or oral presentation. Check with your instructor to determine which way you will prepare it. Make it as interesting and informative as possible, including the use of visual aids, role play, panel discussions, etc.

Unit II

OPTIONAL ACTIVITY

Parents Interview

Using the form provided as a guide, interview the parent(s) of a handicapped child. In asking the questions, be sensitive to the parents' feelings. Let them know you are asking questions to help understand the needs of parents who have children with special needs, not just to satisfy your curiosity or fill in a form.

Do not use real names. Use only made-up names or initials.

This activity can be done only with your instructor's prior approval. Discuss it with your instructor before beginning. Show the questions to the parents before you begin and have them sign the consent form to show your instructor before you do the interview.

PARENT INTERVIEW FORM

1. What is the medical/pschological diagnosis of your child?

2. When did you learn your child had problems?

3. Who told you?

4. What was the reaction of your family--siblings, grandparents, other relatives?

5. Which agencies/organizations have helped meet your special needs with your child? How did you locate them?

6. Do you think your child is receiving the help he/she needs to further his/her development?

7. What more would you like to see done for your child? (Give examples) For all children with special needs?

8. Where is your child receiving services now? (Private day-care center; day-home care; public school; residential facility, etc.)

9. Do you have anything further you would like to share concerning your child?

I have read the questions and agree to answer them in an interview with _____. I understand
STUDENT
this report will be used as an individual assignment and to protect my confidentiality, the instructor will destroy it after it is graded.

_____
SIGNATURE OF PARENT

_____
SIGNATURE OF PARENT

_____
DATE

Unit II

OPTIONAL ACTIVITY

Community Agency Report

With your instructor's approval, analyze a local service agency which is new to you. You will need to call or visit the agency to complete this activity. *Write a paper on your findings. The analysis should include:

- A brief history of the organization
- Original function
- Current function
- Anticipated growth patterns
- Area served (city, county, etc.)
- Kind of clients served and approximate number
- Single or multipurpose agency (information, research, direct-service, parent support, etc.)
- Source of funding
- Special programs (public awareness, fund drives, screenings, etc.)

* Refer to the General Guidelines for Optional Activities and review the steps you should take in contacting persons for information or interviews.

UNIT II

THE TEAM APPROACH TO WORKING WITH SPECIAL CHILDREN

Purpose

This unit will introduce you to the paraprofessional who works with handicapped children. The movement to use paraprofessionals in various settings is growing. Training and educational programs are preparing persons to work in special education in public school settings, in private agencies and in public facilities. Anyone entering this field should have an understanding of the current role of a paraprofessional and the history of the paraprofessional movement.

Objectives

After completing this unit, the student will be able to:

1. Demonstrate a knowledge of the role of the paraprofessional in Texas and contrast that role with the role of the paraprofessional in another state.
2. Trace the key historical developments in the paraprofessional movement.
3. Demonstrate a knowledge of the placement alternatives available to paraprofessionals working with handicapped children.
4. Summarize the research findings regarding the effectiveness of paraprofessionals working with handicapped children.

5. Compare his/her perception of various personal and professional competencies with those of a state-wide survey.
6. Develop a code of ethics for paraprofessionals.

LEARNING EXPERIENCE 1

The Paraprofessional

The Role of the Paraprofessional in Public Schools

How do you define a paraprofessional? What is the role of a paraprofessional? In this Learning Experience you will read some definitions and roles of a paraprofessional and answer some questions as you read.

Picket and Hamm (1980) defines a paraprofessional as a person:

- Whose position is either instructional in nature or who delivers direct services to students/residents and/or their parents
- Who serves in a position for which a teacher or other professional has ultimate responsibility for the design and implementation of individual education programs and other services. (p. 2)

Under this definition, the paraprofessional is a team member who works under the supervision of a teacher or other professional. The paraprofessional carries out educational instruction or direct services developed by the teacher or professional. This is a broad definition that takes into account the various types of facilities and private agencies, as well as school districts where paraprofessionals work.

Each state has different policies regarding paraprofessionals. We will look at three of those states--Kansas, Texas and Louisiana--to see how different states regulate paraprofessionals in education.

KANSAS

The paraprofessional in public schools often has been called a teacher aide. Other more recent terms used in public schools are "instructional paraprofessional" or "educational aide." The Kansas State Department of Education developed the following definition and job description for instructional paraprofessional:

Definition

An instructional paraprofessional is one who is assigned to assist and support the teacher, but who does not assume the primary responsibiltiy for the classroom.

Job Description

The instructional paraprofessional is to assist the teacher with educational activities and non-teaching tasks. The teacher, not the paraprofessional, is accountable for the instructional program in the classroom. The teacher may delegate to the paraprofessional responsibilities which are based on specific educational plans, which are formulated, directed and supervised by the teacher.

The Kansas Teacher-Aide Committee also established a list of the acceptable duties and responsibilities of paraprofessionals, including:

1. Assisting in field trips.
2. Reading aloud or listening to children read.
3. Assisting students in performing activities that have been initiated by the teacher.
4. Handing out papers and collecting paper work.
5. Assisting with supplementary work for advanced pupils.
6. Providing special help such as drilling with flash cards.
7. Assisting in preparing instructional materials.
8. Reinforcing learning with small groups.
9. Assisting children in learning their names, addresses, telephone numbers, birthdays and parents' names.
10. Supervising free play activities.
11. Preparing flash cards and charts.
12. Preparing art supplies and other materials.
13. Hearing requests for help, observing learning difficulties from pupils and reporting such matters to teachers.
14. Scoring objective tests and papers and keeping appropriate records for teachers.
15. Escorting children on educational trips outside the classroom.
16. Assisting in educational demonstrations for the class or small groups.
17. Supporting the teacher in the areas of sewing, cooking, industrial arts and physical education.
18. Assisting in setting up learning centers.

Name: _____

19. Providing assistance with individualized programmed materials.

20. Working with indiviual students or small groups on language development as outlined by the speech clinician.

The committee said this was not a complete list. Consider the work you have done as a paraprofessional or a volunteer with children. **What items would you add to the list? Write them here:**

21. _____

22. _____

23. _____

24. _____

25. _____

The Kansas Teacher-Aide Committee also listed several items they thought were duties or activities that should not be done by paraprofessional staff persons. Any person--paraprofessional or professional--should know "what the limits are" for providing services to children with special needs. Space is provided here for you to list your own "should nots." **What are some of the things you, as a paraprofessional, should not be responsible for in providing services to handicapped children?**

_____

_____

_____

_____

_____

NEW YORK

VERMONT

OREGON

Texas

Maryland

Illinois

Massachusetts

CALIFORNIA

PENNSYLVANIA

Viriginia

MISSOURI

Michigan

States employing more than 1000 special education aides

TEXAS

In Texas, the Texas Education Agency (TEA) calls paraprofessionals in the public schools either Educational Aides or Educational Secretaries. There are three levels or pay groups for aides. The requirements and role descriptions for the three levels of educational aides are listed in the chart on the following page.

In Texas, each school district's administrators have the authority and responsibility to:

- Determine the number of paraprofessionals hired
- Determine the level of job performance desired for the operation of the school district's program
- Prepare accurate job descriptions for each assignment and classify each assignment
- Hire qualified personnel

(19 TAC/141.362)

A person employed as a public school paraprofessional in Texas is required to hold a paraprofessional certificate. If a paraprofessional is assigned to a specialized area such as special education, he/she may have to meet additional eligibility requirements, but no additional certification is required for such an assignment. (19 TAC/141.369)

TEXAS

PARAPROFESSIONAL CERTIFICATION

REQUIREMENTS

The applicant for an educational aide I certificate shall:
1) Be a high school graduate or hold a GED certificate.
2) Have experience related to working with students or parents as approved by employing superintendent. Experience may be work in church related schools, day camps, youth groups, private schools, licensed day care centers, or similar experience.
3) Be recommended by the employing superintendent.

The applicant for an educational aide II certificate shall:
1) Be a high school graduate or hold a GED certificate.
2) Have two years of experience as an educational aide I or a minimum of 15 semester hours of college credit with some emphasis on child growth and development or similar background; or have demonstrated proficiency in specialized skill area as determined by the local school district.
3) Have experience related to working with students or parents as approved by the employing superintendent.
4) Be recommended by the employing superintendent.

The applicant for an educational aide III certificate shall:
1) Be a high school graduate or hold a GED certificate.
2) Have three years of experience as either an educational aide I or II; or 30 semester hours of college credit with emphasis on child growth and development or related areas.
3) Have experience related to working with students or parents as approved by the employing superintendent.
4) Be recommended by the employing superintendent.

ROLE DESCRIPTION

Educational Aide I - Assigned to and performs routine tasks under the direction and supervision of a certified teacher or teaching team. Releases the teacher from routine tasks and participates in selecting, planning, organizing, and evaluating. Assists teacher in clerical operations. Assists teacher in supervising students in routine movement from one recreational activity to another. Assists in instructional media preparation and usage. Duplicates instructional materials for teachers. Performs classroom clerical operations under the supervision of a certified teacher; or performs equivalent activities as determined by the local school district.

Educational Aide II - Assigned to and performs tasks under the general supervision of a certified teacher or teaching team. Releases the teacher from routine tasks and participates in selecting, planning, organizing, and evaluating. Provides assistance to teacher in preparing and using instructional materials. Conducts drills and exercises as directed by the teacher. Assists and scores objective measurement instruments. Assists in working with individual students and with groups. Duplicates materials; records grades and attendance; prepares instructional aids including displays and mockups; assists with play area activities ; assists with operation and use of education media; assists in testing routines; works with individual students in drills and exercises; conducts group drills and exercises: assists students with programmed or precise units of instruction; or performs equivalent activities as determined by the local school district.

Educational Aide III- Performs and assumes responsibilities for tasks under the general guidance of a certified teacher or teaching team. Releases the teacher from routine tasks and participates in selecting, planning, organizing, and evaluating. Assists the teacher in implementing methodology and using instructional media to yield an educational environment for all students. Assists teacher with instructional activities. Works with individuals or groups of students in a variety of educational experiences. Relieves teacher of selected exercises and instructional drills with students or performs equivalent activities as determined by the local school district.

LOUISIANA

The Louisiana State Department of Education (LSDE) has adopted a statewide paraprofessional permit system. The LSDE defines the special education paraprofessional as a "noncertified person who works under the supervision of a special education teacher or other related professional who has the responsibility for the delivery of services to exceptional children." The Louisiana Special Education Paraprofessional Permit System is a competency-based training program designed on the basis of four permit levels. Levels I, II and III may be earned through an in-service training program. Level IV may be obtained by earning a two-year associate of arts degree. A four-level salary schedule is being considered and will be put into effect if the study shows it is feasible.

The standards for special education for paraprofessional permits for the state of Louisiana are printed on the following pages. The standards show the competencies required for the four permit levels.

LOUISIANA STANDARDS FOR SPECIAL EDUCATION PARAPROFESSIONAL PERMITS

PERMIT LEVEL I

Level I paraprofessional working in special education programs in Louisiana shall demonstrate the competencies that follow by successful completion of an approved in-service training program.

1. Understanding of Level I paraprofessional role responsibilities and limitations.
2. Ability to work effectively and cooperatively with other staff members.
3. Ability to communicate effectively (oral, written and non-verbal).
4. Understanding of the intellectual, physical and emotional characteristics of the various handicapping conditions.
5. Awareness of generalized training procedures associated with academic, self-help, motor and social skills.
7. Knowledge of general health and safety procedures.
8. Ability to maintain an attractive, safe, hygenic classroom environment

(continued)

PERMIT LEVEL II

Level II paraprofessional working in special education programs in Louisiana shall demonstrate all Level I competencies and the following additional competencies by successful completion of an approved training program.

1. Understanding of Level II paraprofessional role, responsibilities and limitations.
2. Understanding role and responsibilities of teachers.
3. Understanding role and responsibilities of related service personnel.
4. Ability to interpret, communicate and carry out written and oral instructions.
5. Knowledge and understanding of developmental patterns (normal and atypical).
6. Ability to define and use terminology commonly associated with special education and various handicapping conditions.

(continued)

PERMIT LEVEL III

Level III paraprofessional working in special education programs in Louisiana shall demonstrate all Level I and II competencies and the following additional competencies by successful completion of an approved training program.

1. Understanding of Level III paraprofessional role, responsibilities and limitations.
2. Ability to describe the characteristics and causes of various handicapping conditions.
3. Understanding the impact of a child's handicapping condition on the family.
4. Knowledge and skills required to communicate with various community agencies that serve children with handicaps and their families.
5. Knowledge of special education rules and regulations associated with implementation of federal and state law.
6. Ability to score and interpret basic classroom assessment instruments.

(continued)

PERMIT LEVEL IV

Level IV paraprofessionals working in Louisiana shall demonstrate all Level I, II and III competencies. In addition, they will have earned a Special Education Paraprofessional Associate of Arts degree from an approved program.

LOUISIANA STANDARDS FOR SPECIAL EDUCATION PARAPROFESSIONAL PERMITS (cont.)

PERMIT LEVEL I	PERMIT LEVEL II	PERMIT LEVEL III
9. Ability to define and demonstrate basic personal grooming skills. 10. Awareness of requirements for safely positioning and handling students with handicapping conditions. 11. Ability to identify orthopedic appliances, equipment and prosthetic devices. 12. Knowledge and skills necessary to safely accompany children with handicaps in a passenger vehicle. 13. Ability to operate commonly used audio-visual and duplicating equipment.	7. Knowledge of special education rules and procedures associated with screening and evaluation and dvelopment and implementation of IEPs. 8. Knowledge of confidentiality requirement and procedures. 9. Awareness of various community and regional agencies that serve children with handicaps and their families. 10. Ability to administer classroom assessment instruments. 11. Ability to observe and recall behaviors in an objective, systematic manner. 12. Ability to express observations in a clear, concise, factual manner, both orally and in writing. 13. Knowledge of basic principles of behavior-shaping and classroom management. 14. Ability to count pinpointed behaviors. (continued)	7. Ability to task-analyze goals and objectives. 8. Knowledge and skills required to develop recommended educational and training programs associated with academic, self-help, social and motor skills. 9. Knowledge and skills required to develop recommended behavior-shaping and classroom management procedures. 10. Ability to evaluate and report on effectiveness of educational and behavioral programs. 11. Ability to make recommended changes and adaptations in instructional activities and materials. 12. Knowledge and skills required to present information and demonstrate program procedures to parents/guardians of children with handicaps. 13. Knowledge and skills required to make recommended adjustments on orthopedic appliances, equipment and prosthetic devices. (continued)

LOUISIANA STANDARDS FOR SPECIAL EDUCATION PARAPROFESSIONAL PERMITS (cont.)

	PERMIT LEVEL II	PERMIT LEVEL III	
	15. Ability to implement recommended educational and training programs associated with academic, self-help, social and motor skills. 16. Ability to sequence recommended instructional activities or steps. 17. Ability to safely and appropriately position and handle children with handicapping conditions. 18. Ability to monitor use of orthopedic appliances, equipment and prosthetic devices. 19. Ability to carry out basic health and first aid procedures. 20. Knowledge of health and safety procedures associated with medication, seizure management, etc. 21. Ability to implement recommended procedures associated with care of a child with specific handicapping conditions. 22. Ability to prepare routine classroom reports.	14. Knowledge and skills (as specificed by employing agency) required to safely transport a student with handicaps in a passenger vehicle.	

Name: _____

Although requirements for paraprofessionals differ from state to state, there is an attempt to set standards for persons working with children in schools. Sometimes this is particularly true of people working with handicapped children.

Maria graduated from high school in Texas last year. She worked for six months in a Mothers Day Out program at her church. She was a counselor at Girl Scout camp for two summers. Now she would like to work in a public school as a paraprofessional.

For which level in the Texas program might she be certified? _____

_____

What more must she do to be eligible for the highest level of certification? _____

_____

_____

Tom lives in Louisiana. He has worked in a day-care center for two years as a Level II paraprofessional. Now he is interested in working with children with handicapping conditions. **How would you suggest he go about preparing to be certified at Level III?**

_____

_____

_____

_____

_____

The Paraprofessional in Settings Other than Public Schools

A paraprofessional was defined earlier as a team member who works under the supervision of a teacher or other professionals. In Learning Experience 1, paraprofessionals in public schools in Texas, Kansas and Louisiana were discussed. The paraprofessional in other settings is more difficult to define and discuss because there are no set requirements or job descriptions that fit all of the many possible settings where paraprofessionals work with children with special needs. Each setting has its own job description for employees. Neither the role of the paraprofessional nor the professional may be clearly defined. For the purpose of this worktext, we will define a paraprofessional as having less than a 4-year college degree. Let's look at various non-public school settings serving a child with special needs and the role of the paraprofessional within those settings. We will divide the settings into private agencies and public agencies.

PRIVATE AGENCIES

Private agencies are owned and operated by individuals or groups of individuals. They may be operated for profit or be designated as non-profit. They usually serve a specified age group or persons with specific handicapping conditions.

Profit

One large group of private, for-profit agencies which care for young children are day-care centers. A day-care center in Texas is defined as a "facility which provides care for more

than 12 children under 14 years of age for less than 24 hours a day" (Texas Department of Human Resources, 1980).

Name: _____

The role of the paraprofessional in child care is not clearly defined in the Minimum Standards published by the Texas Department of Human Resources. Qualifications for director and staff are given, but the terms professional or paraprofessional are not used. You need to be familiar with the Minimum Standards and the qualifications for caregivers. Obtain a copy of the Minimum Standards: Day-Care Centers from the Texas Department of Human Resources, Licensing Division, or from your instructor. **Read pages 5 and 6, then give the educational qualifications for the director and the staff.**

Educational Qualifications of Director: _____

_____

_____

_____

_____

_____

Educational Qualifications of Staff: _____

_____

_____

_____

_____

_____

If we have defined a paraprofessional as a person with less than a four-year college degree, is it possible for the director of a day-care center to be a paraprofessional? _____ **What about the teachers?** _____ **Is it possible for a day-care center to be staffed totally by paraprofessionals?** _____

Name: _____

While you have the Minimum Standards, read page 17, Section 7400: "Children With Need for Special Care." Does it require special training for caregivers to work with handicapped children? _____

The Texas Early Childhood Careers Recognition Council has developed a Framework for Training (1981) which defines the various levels of responsibility in caring for children. The levels range from program coordinator to teacher aide. A teacher aide is defined as a person who "works only under supervision and direction; does not have responsibility for a group of children" (p. 5). An assistant teacher is one "who works primarily under supervision, but carries out some independent work with the children for limited time periods or for special purposes" (p. 5). There are no educational requirements for the positions given, but the council is attempting to set out the minimum competencies required at all levels of job responsibility. Special skills needed for working with handicapped children have not yet been developed.

The role of the paraprofessional in child care for children with special needs is still unclear. The site, or child-care center, must define the role of the paraprofessional and assign a title to the role. This is generally done through a job description or requirements for employment. In other words, the paraprofessional is whoever the owner/operator of the center says he/she is.

There are other types of private, for-profit agencies which serve children with handicapping conditions. These may be residential facilities serving specific handicapping conditions, camps for handicapped children, or any of a variety of other types of programs.

Non-profit

There are many, many private, non-profit agencies which provide services or care for children with special needs. Some of these agencies provide direct services to children; some provide indirect services. Direct services include diagnosis, counseling, education, special therapy (such as occupational or physical therapy), legal services, vocational training and job placement, and residential care. Some agencies provide indirect services which might include public awareness of a specific disability, funds for research grants, lobbying for special legislation, etc. These agencies employ paraprofessionals in many capacities. However, because these agencies are private, they, too, can establish any criteria for the role of the paraprofessionals they employ. Paraprofessionals may have a variety of job titles: trainer, aide, occupational therapy assistant,

physical therapy assistant, houseparent, residental assistant. The duties will vary according to the agency requirements and to the skill levels of the individual employed.

Private non-profit agencies exist on the national, reional, state and local levels. Some are large organizations; others are very small. Some of the large national organizations which are private, non-profit and which provide services (direct or indirect) to handicapped children are:

American Diabetes Association
Cystic Fibrosis Foundation
Easter Seal Society for Crippled Children and Adults
March of Dimes Birth Defects Foundation
Multiple Sclerosis Society
Muscular Dystrophy Association

There are many, many more. In addition to these agencies, there may be private non-profit schools designated to teach or train children with a specific handicapping condition or children from a certain age group. There may be residential facilities, summer camps, hospitals and vocational opportunity workshops which are private, non-profit agencies.

PUBLIC AGENCIES

Public agencies are generally funded by the public through taxes and donations and/or gifts and are non-profit. All states have some public agencies which provide services and care (both direct and indirect) for handicapped children. Some state agencies which may exist are:

Education Agency and local education agencies (LEAs)
Department of Mental Health/Mental Retardation
Department of Health
Department of Community Affairs
Commission for The Blind or Deaf
Attorney General's Office
Department of Human Resources

A public agency is administered by a board of directors. The board employs an executive director and staff to serve the agency's clients. The executive director acts as the manager and may be the one who develops a description of job titles and role definitions for paraprofessionals employed by the agency. All such policies must then be approved by the board of directors.

There are also federally and locally funded public agencies serving handicapped children. One example of a federal program providing indirect service is a group of advocacy organizations that exists in many states.

Name: _____

Paraprofessionals working in public agencies also may have a variety of job titles and responsibilities. Some job titles of paraprofessionals in public agencies are:

Trainer Home Visitor Support Teacher Houseparent Therapist Technician Child-Care Worker/Aide Direct Care Staff Educational Paraprofessional Teacher Aide

Who defines the role and job title of a paraprofessional in:

- a private "for-profit" agency _____

  _____

  _____

- a private "non-profit" agency _____

  _____

  _____

- a public facility _____

  _____

  _____

The Paraprofessional in Education: From Where Have We Come and Where Are We Going?

Using paraprofessionals to assist in direct educational services is not a recent development. Kaplan (1977) explains that the first known use of classroom assistants in America occurred with the adoption of a "monitorial" system developed in England. This system was used in the rural schools in the early 1800s by several of the religiously motivated "public school societies" which were trying to provide free education to poor children. In this system, older children taught younger children by drilling them in reading or numbers. By the middle of the 1800s, most states had established state normal schools to ensure a steady supply of teachers, so student aides were not as necessary as in earlier times.

Not until the New Deal program of President F.D. Roosevelt were persons trained and employed as paraprofessionals in the human services. This was primarily to help young people off the breadlines during the Depression. The program ended in 1943 because of World War II. A teacher shortage in the early 1940s was brought about by the depression and by World War II, when teachers went to war or to work in war-related industries where pay was better than teaching. This allowed an increase in the number of paid teacher aides, but they were not readily accepted by teachers because of poor training and planning. In 1953, the Ford Foundation began the first large-scale experiment to test the effectiveness of using paraprofessionals in the schools. The goal of this program was a simple one: to save the teach-

er's time and not spend a great deal of money. This project in Bay City, Michigan, strongly influenced how teacher aides were used in school programs until the middle 1960s. Three factors made this a dead-end for paraprofessionals:

1. The goal was to improve instruction INDIRECTLY, making it easier for the teacher to teach; therefore, the talents of the teacher aide to assist in DIRECT teaching were not used.
2. There was no opportunity for career advancement.
3. Most of the paraprofessionals were middle-class, college-educated women who were content to remain paraprofessionals; thus, advancement within the paraprofessional ranks was sharply limited.

In the 1960s, several factors affected the paraprofessional movement. This was a period of turmoil and challenge by blacks, students and later, women. Programs were passed by the U.S. Congress as part of President Lyndon Johnson's War on Poverty programs. These programs were aimed at providing training and job opportunities for the poor and the minorities. The antipoverty programs and the civil rights movement gave added impetus to the paraprofessional movement. Legislation, such as the Economic Opportunities Act (EOA), The Education Professions Development Act of 1967 (EPDA), Title I of 1965, the Elementary and Secondary School Act and the Vocational Educational Act of 1963, gave employment to hundreds of persons--mostly non-whites, low-income persons and females--in the education field as

paraprofessionals. In 1965, the paraprofessional became an integral part of the preschool classroom through Project Head Start.

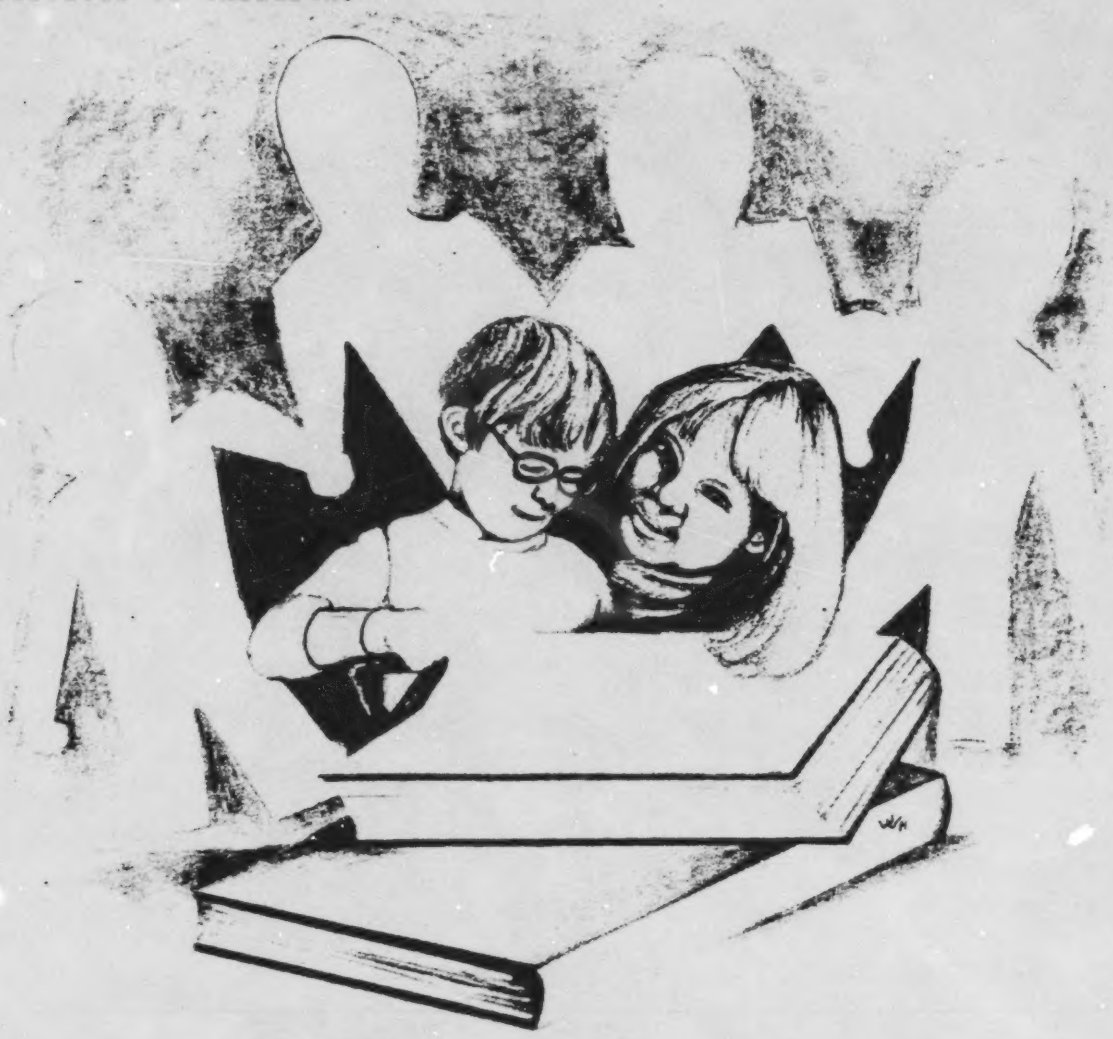
Since the early 1970s, Head Start has attempted to achieve a 10-percent enrollment of handicapped children in its programs, providing additional opportunities for paraprofessionals.

Another program started in 1973 offered paraprofessionals in child development programs an opportunity to obtain certification outside the normal educational system. The certification was through demonstrated competency rather than traditional training. It is called the Child Development Associate (CDA) credential.

While the 1960s saw additional employment opportunities for the paraprofessional, as late as 1967 a National Education Association study reported that most school teachers still believed teacher aides should be limited to non-teaching, clerical-type chores. Some school districts, however, were beginning to change their views about the paraprofessional. In the city of Minneapolis, a summer program employed 126 low-income aides in 16 elementary schools with so much success that the aides became a regular part of the instructional program.

According to Sweet (cited in Kaplan, 1977), teachers were soon saying, "What would I do without a paraprofessional?" (p.24)

Paraprofessionals in education are now a permanent part of the American public education system. The paraprofessional has proved invaluable in programs which serve children with special needs in public schools, Head Start and Title XX Day Care Programs and in Mental Retardation Centers. Unfortunately, few teacher-training programs include instruction for teachers on how to use or supervise paraprofessionals in the classroom. Nonetheless, most educators today are viewing the paraprofessional as a part of the instructional team providing direct services to children.



Name: _____

Pretend you are the first paraprofessional hired to work directly with children in a classroom in Cowboy Elementary School. The year is 1950.

Answer these questions.

How do you think the parents feel about you? _____

_____

_____

_____

_____

What does the teacher with whom you are working think about having you in her room? _____

_____

_____

_____

_____

What did the principal tell you about your duties when you were hired? _____

_____

_____

_____

_____

It is now 30 years later, 1980, and you are retiring as the oldest-living, continuously employed paraprofessional at Cowboy Elementary School.

Answer the following questions.

Name: _____

What changes have you seen in the roles of paraprofessionals during your employment? _____

_____

_____

_____

_____

How is your job different now from when you started in 1950?

_____

_____

_____

_____

_____

RESEARCH ON EFFECTIVENESS

A number of studies have been done on the effectiveness of paraprofessionals in the classroom. These studies have shown that paraprofessionals have made a significant contribution to the education of children with special needs. They have had a direct effect on the academic performance of children with handicapping conditions. Their success with the children in some of the studies was equal to that of professionals. In some cases, paraprofessionals proved to be more effective with certain children.

Much of this success results from good training and education programs for paraprofessionals. There are some natural characteristics that contribute to a teacher's competency in the classroom. For example, teachers need to have enough energy to keep ahead of their students; they need to be flexible enough to adapt to different situations.

The following chart lists some of the personal characteristics important to becoming a successful paraprofessional. This list was used in Kansas in 1977. Answers were provided by 948 persons--directors of special education, superintendents, facilitators, supervisors of paraprofessionals and paraprofessionals themselves.

The characteristics are not listed in order of importance. Using the spaces on the left side of the list, rank by number which you think are more important (number 1 is what you consider most important, number 11 is least important).

If there are other characteristics you think would contribute to a paraprofessional's success, write them in the spaces below the chart. There are no "right" or "wrong" answers. This is a survey of opinions. When you have finished this section, you will be given the answers from the survey to compare with your own responses.

Number of Importance	Personal Characteristics	Actual results of Survey
_____	Versatility	_____
_____	Good Grooming	_____
_____	Adaptability	_____
_____	Experience with Children	_____
_____	Cooperation	_____
_____	Energy	_____
_____	Intelligence	_____
_____	Tolerance	_____
_____	Resourcefulness	_____
_____	Creativity	_____
_____	Dependability	_____

_____

_____

_____

_____

In addition to personal characteristics that are helpful to paraprofessional success, certain skills are needed to work with children. In Chart 2, rank the skills in the order of importance you believe is correct. Add additional ones below the chart.

Number of Importance	Skills	Actual results of Survey
_____	organizational skills	_____
_____	skills in operation of office and audiovisual equipment	_____
_____	skills in understanding the characteristics of special education students	_____
_____	interpersonal relation skills	_____
_____	subject matter skills	_____
_____	skills related to working with children	_____
_____	skills in working with specific handicapped children	_____
_____	disciplinary skills	_____

_____

_____

_____

_____

_____

Finally, there are certain duties that may be performed by a paraprofessional in the classroom. These duties assist the teacher in accomplishing her goals and may provide an extra portion of personal attention to the children in the class.

In Chart 3, rank these duties according to their "educational importance". Add any other duties you think a paraprofessional could perform below the chart.

Number of Importance	Duties	Actual results of Survey
_____	Managing and discipling children	_____
_____	Assisting with group educational activities	_____
_____	Conferring with teachers (planning)	_____
_____	Clerical activities and office machines	_____
_____	Working with audiovisual equipment	_____
_____	Educating individual children one-to-one basis	_____
_____	Preparation of classroom materials	_____
_____	Maintaining classroom (housekeeping)	_____
_____	Preparation of a classroom environment for learning activities	_____
_____	Participating in professional activities	_____
_____	Assisting students with physical needs	_____

_____

_____

In 1982, The Texas Education Agency contracted with the Child Development Department of San Antonio College to research the competencies needed by special education educational aides. William Shinder and Cherryl Fikes, as the principal investigators, discovered well over 200 different competencies in the existing literature! The final competency list used for research purposes included 218 competencies grouped into eleven major categories as shown below:

I. Develops Personal and Professional Competence
II. Demonstrates Interpersonal Skills
    A. Communication Skills
    B. Staff Relations
    C. Advocacy Skills
    D. Home-Center; Community
    E. Student-Self Relations
III. Evaluates and Develops Philosophy of Working With Children with Special Needs
IV. Understands Legal and Program Issues
V. Demonstrates Skills in Observing and Recording Behavior, Screening and Assessment
VI. Utilizes the Individual Education Plan Approach
VII. Works Appropriately in the Learning Environment
    A. Within-the-Classroom Instructional Skills
    B. Clerical/Support Skills
    C. Develops Instructional Materials
    D. Demonstrates appropriate Teaching Techniques
VIII. Individual and Group Management of Student Behaviors
IX. Responds to Health and Safety Issues
X. Understands Human Development: Typical and Atypical
XI. Bilingual/Bicultural and Ethnic Issues

Name: _____

Code of Ethics for Paraprofessionals

Ethics are rules that govern conduct. Behavior that is ethical is correct. Correct behavior is often defined by a specific group. Many professional groups, such as physicians, teachers and nurses, have developed a Code of Ethics that defines the acceptable or desirable behavior of its members. Such a code is important on the job because it promotes high standards of conduct. It also may be used to discipline members who might violate the standards of the Code of Ethics.

Before attempting to write a Code of Ethics for Paraprofessionals, it might be helpful to examine what makes behavior ethical or unethical. Read the statements and/or situations given below, and decide whether they show ethical or unethical behavior. Mark your answer E or U in the space at the left. If you believe the statement is unethical, explain your answer.

___ 1. Paraprofessional talking to teacher: "We don't get any support from the principal on this campus. He just doesn't understand special education."

_____

_____

_____

___ 2. Paraprofessional to parent in response to a question about testing done on her child: "I'm sorry that I can't share that information with you, Mrs. Ramirez, but if you will talk

Name: _____

to the teacher about it, I'm sure she can tell you what you want to know."

_____

_____

_____

___ 3. "That child is so retarded, he isn't going to learn anything."

_____

_____

_____

___ 4. Paraprofessional to Principal: "Thank you for your confidence in suggesting that I can handle this classroom by myself. But I suggest that, since the teacher will be out for several days, a substitute be hired. I'll be happy to assist her."

_____

_____

_____

___ 5. Teacher to child: "I knew you were going to be this way! You are just like your sister!"

_____

_____

_____

Name: _____

___ 6. Teacher to aide: "The principal said we were flunking too many students this year. Change the records to pass on these three children."

_____

_____

_____

___ 7. A paraprofessional working with handicapped children observes a supervisor receiving expensive gifts from a boy's parents because their son is the supervisor's favorite. She also observes that the supervisor gives the child special treatment in the dorm.

_____

_____

_____

___ 8. Mary and Susan work a dorm for mentally retarded adults. When a vacancy becomes available on the dorm for younger girls, both Mary and Susan apply for the promotion. Susan is promoted; Mary is not. Mary talks with other staff and parents about how she is better qualified for the promotion that Susan received.

_____

_____

_____

Name: _____

___ 9. Paraprofessional to paraprofessional or supervisor: "Otis is going home for the holidays on a one-week furlough. I'll bet when he comes back, he will be spoiled and will refuse to feed and dress himself. He always regresses when he goes home."

_____

_____

_____

___10. The aide is recording information in children's files. She takes them to the lunch room and leaves them on the shelves at the entrance.

_____

_____

_____

___11. The mother of 11-month-old Lisa is talking to the teacher and aide about her child.
Mother: "Isn't it true that Lisa should be crawling? Other children her age all seem to be crawling by now."
Teacher: "Yes, most children at 11 months are crawling. That's why we are continuing to monitor Lisa's progress."

_____

_____

_____

Have you observed such behavior or heard similar statements which reflected ethical or unethical behavior? These are just some examples, but they may begin to point out that behavior can involve various persons and/or situations. The paraprofessional should recognize that ethical behavior can be to one's self, to colleagues, to the employer, to parents, to children/clients and to the profession. Keep a diary for two weeks of statements or observed behavior which might be considered unethical. CAUTION: Do NOT use names. That is NOT ethical as it violates a person's right to confidentiality. Instead use: A teacher said to a student.

Now you are ready to develop a Code of Ethics for Paraprofessionals. Codes are generally written in terms of standards to follow. On the next page are examples of standards that have been written for paraprofessionals. Notice that they are written as "shoulds" rather than "should nots". You are to add standards you believe are important in governing the conduct of your profession. **List between four and six standards you believe should be included in your Code of Ethics for Paraprofessionals.**

Name: _____

CODE OF ETHICS FOR PARAPROFESSIONALS

The paraprofessional should:

- "Discuss the child's limitations only with the supervising teacher and those directly involved with the child's educational program." (Kansas State Department of Education, p.63)
- "Make reasonable effort to protect the students from conditions that may prove harmful to the learning process or to health and safety." (Clough and Clough, 1973, p..14)
- "Be consistent in managing the behavior of the students." (Kansas State Department of Education, p.63)

Name: _____

LEARNING EXPERIENCE 2

The Parents

Introduction

Parents are an important link between special children and the professional staff persons who work with them. Paraprofessionals should understand some of the factors involved in this unique partnership and know how each person fits into the team.

There is a distinct difference between the situations of the parent and those others who have a part in the child's care. Each comes to the child with his/her own expectations, prejudices and role. Even when these overlap in the area of partnership on behalf of the child, they may have different causes and be acted out in different ways. Particularly, we will look at some differences between parents and professional care-givers, who might be teachers or paraprofessional aides.

PARENTS	PROFESSIONAL CARE GIVERS
• Did not choose to have a child with special needs.	• Chose to work with children with special needs.
• Have no formal training in caring for and understanding the child with special needs.	• Have had training and preparation for the task.
• Are responsible for the child around the clock, perhaps for a lifetime of "childhood."	• Have secondary responsibility for the child for certain hours and over limited time period.
• Must care for the child in an environment designed for persons without special needs--home, public places, etc.	• Care for the child in an environment designed to meet his/her needs--with special equipment, activities, etc.
• Have emotional "investment" in child's welfare and development, may have difficulty getting outside that to see clearly.	• Can be more objective, see things in relation to experience with other children.

As you can see, although parents and professionals are bound together by the needs of the child, they may see those needs from different perspectives. Then they make different judgments on what is best for the child. Before examining the partnership role in more detail, we will look at some of the ways parents of children with special needs react to their situations.

Parental Responses

Psychologists have described the reaction of parents who have a handicapped child in different ways. One compares the experience to that of mourning. That is, the parent feels a loss similar to losing a child through death, as if they have lost the child they dreamed of and hoped for. Another psychologist describes the feeling as "chronic sorrow," a continual sadness over the child's condition.

One of the more common descriptions of parental response proposes stages of reaction -- (1) shock and disbelief; (2) denial; (3) anger, guilt, frustration and anxiety; (4) depression; and finally, (5) acceptance, adaptation and reorganization. Although these are some components of what parents may experience, it is important to understand that these feelings do not always occur in predictable patterns. Each parent is unique. Parents' responses may be similar, but they will not be identical, nor will they always follow a certain order or progression. More often, different feelings will erupt from time to time, just as those same feelings come forth from time to time in any other person.

Basic to understanding how this can happen is remembering that these parents are just like any other parents. Having a child with special needs may make the parents different in the eyes of others. It may create complications, frustrations and opportunities other parents will not have. But their responses to problems concerning their children will be just as diverse as those of other parents. That is important to remember as we examine some of these responses.

SHOCK AND DISBELIEF

The parents of a child born with an obvious handicap, such as a physical deformity, Downs' syndrome or spina bifida, will usually experience severe shock. After months of waiting for a normal healthy, baby, they are faced with a child who will not meet all their expectations. The same kind of emotion may be felt by parents whose childs' disability is not discovered until later. Then they must face the reality of having a child who is "different"--from many other children and from their ideal of a normal child. In both cases, the parents may experience disbelief because the child they have does not match their expectations.

DENIAL

The reaction of some parents to this news about their child is denial. This may appear in several ways. Some parents who cannot accept their child's disability will go from doctor to doctor, from program to program, trying to find someone who can "cure" it or make it go away. Others may refuse to admit the child has a problem and insist he/she be treated as a normal

child. Sometimes the child's disability is apparent in development delays. Then the parents may look for him/her to "outgrow it" rather than accept the reality of the condition and its consequences in their lives.

In other cases, parents refuse to discuss the matter or overprotect the child so the limitations of the disability will not be too evident. When this happens, the child is only allowed tasks that can be successfully performed. An opposite reaction comes from parents who insist their child perform beyond his/her physical ability, thereby denying the child has a problem.

Some parents continue to deny the reality of their child's condition, even though the problem has been made clear to them. They simply cannot bring themselves to accept the child as he/she is.

GUILT, ANGER, FRUSTRATION AND ANXIETY

Guilt. The study of the history of the care of children with handicapping conditions pointed out attitudes in the past that laid great burdens of guilt on the parents of these children. Our society today is more enlightened about the causes of handicapping conditions. Still, some parents think they are somehow "at fault" for their child's problems. In addition, some have expressed a sense of loss of self-esteem because the children, who are seen as physical extensions of themselves, are physically "imperfect."

This feeling is reinforced by the messages of the world around them that the child does not "belong" in a normal soci-

ety. Their own parents may show discomfort around the child. They may experience a sense of isolation in places where they have previously felt welcome and accepted--in church, clubs, schools and public places.

Anger. Many parents experience feelings of anger, asking themselves "Why did this have to happen to me?" Although this feeling may be strongest when the parent first acknowledges the child's condition, it is commonly aroused again during times of stress and frustration over problems that arise with the child. That anger may be expressed toward others in an attempt to blame someone or something for the handicapping condition of their child. The expressions are not based on reason, but on their own feelings of anger and frustrations.

Frustration. The normal frustrations that accompany the rearing of children are often magnified and prolonged for these parents. There may be more spills, breakage and laundry because of their children. Activities other families enjoy together--shopping, sightseeing, playing together, eating out--require special adjustments. There are extra duties, such as therapy, special classes, medical treatments. All this makes great demands on the parents' physical and emotional energies, demands which may go on for many years.

Anxiety. All parents have some worries and anxieties about their children's growth and development. In addition to those, parents of children with handicapping conditions have concerns about the problems associated with rearing a special child. They may be anxious about the care the child receives, progress

(or lack of it) in the child's development and what the future holds for the child in terms of health, employment and independence.

Some parents tend to worry over everything their child does. Parents of children with handicapping conditions may need special assurances regarding their child's behavior and development.

DEPRESSION.

This may be one of the most commonly recurring feelings experienced by parents of children with special needs. In the same way other persons have their "ups and downs" and sometimes "get down in the dumps," these parents have their low periods. Often they feel they have reached the end of their coping strength. Perhaps their children are not getting the kind of care the parents think they need. Perhaps they are not responding to the treatments and remedies being given. Perhaps the parents are overwhelmed with the thought of caring for the child for an indefinite period of time. Any of these and many more anxieties may lead to periods of depression.

ACCEPTANCE, ADAPTATION AND REORGANIZATION.

The acceptance of a child's situation is based on a knowledge of what the child can and cannot do. For some parents, this acceptance may come all at once, like a bolt of lightning jolting them to reality. For others it may come slowly, a bit at a time. If the parents are helped to focus on what the child can do, they can begin the process of adaptation. They can begin to re-organize their lives, adapt their plans and expecta-

tions to the reality of the child's handicapping condition, and get on with their lives. This process will probably occur over a period of time. It will have to be done over and over again as the child grows and develops and as the family situation changes. Having a child with special needs in the family is often disruptive of normal living patterns and can put stress on relationships. For some families, however, it may provide a reason to rally together, working and growing in a common effort.

Roger is a Down's syndrome baby. Pretend you are his mother or father and write some of your feelings about having a child with his special needs. (We cannot know for certain how we will react to such a situation, but we can use our imaginations to think about what we might do.)

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Just as difficult situations bring varied responses from different people, so do these feelings we have described trigger different behavior in parents of children with special needs. As shown in the following chart, different behaviors may be associated with a certain feeling. For example, the feeling of guilt may be expressed in one parent by withdrawing from others, in another parent by constantly trying to justify the situation to himself and others.

Parental Reactions/feelings	Typical Associated Behaviors
Protecting the helpless	Normal care or overprotection
Revulsion for the abnormal	Rejection of the child Passive care or overcompensating care
Inadequacy of reproduction	Depression
Bereavement/anger/grief	Aggressive behavior, depression, various responses to later problems
Shock and disbelief	"Shopping" behavior for disconfirmation of the diagnosis
Guilt may stem from a casual belief in punishment	Depression
Embarrassment to real or perceived attitudes of others	Social withdrawal and isolation

(Simeonsson, 1981, p.63)

Name: _____

Too often social service agencies try to serve parents' needs as if these feelings occur in a regular order or as if certain behaviors of the parents depend on the severity of the handicap; how obvious it is to others; the attitude of those around them; and when it became evident (before or after the parent had built a strong attachment to the child).

Parental response is a complex issue that must be addressed on an individual basis. Each professional and paraprofessional who works with the parents of children with special needs should remember the variety of factors that can affect feelings, attitudes and behaviors, and understand that it is not their place to judge those things, but to work with parents <u>where they are</u> in order to benefit the child's development.

Debra's parents refused to give their permission to have her assessed when the school principal requested it. Albert's mother has moved him from one school to another trying to find the right place for him. Tracy's parents won't allow her to take part in any physical education activities. Which response do you think this behavior might indicate? Explain your answer.

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Parental Styles

In a film strip produced by the U.S. Bureau of Education for the Handicapped, Charlotte Clifford describes family life as a theater. On this "stage," family members are the "actors" following "scripts" on how they should play their parts. These scripts are images they have of how they should behave as a mother, father, etc.

These scripts must be changed when a handicapped child makes an entrance on the stage. Clifford describes the five parenting styles common to parents of children with handicapping conditions as five distinct scripts. Every parent will use all of these scripts from time to time and only a few will fit the extreme form of any style. But overall, one script or style will tend to dominate over the others.

ABDICATOR PARENT

To abdicate means to deny or give up a right or responsibility. These parents give up parenting in a variety of ways. Some find good reasons to be away from home most of the time--working to support the family or attending parent advocacy meetings, for example.

Other Abdicators may be home much of the time, but do not devote any of that time in activities with their children. They are "glued" to the television or involved in household tasks. They wish to ignore the child and avoid the responsibility of caring for the child or making any decisions about the child.

Abdicators give their children the feeling of being excluded and rejected. In addition to giving up a relationship

with their children, they set poor models for parenting. They also overburden the other parent with all the responsibility of the child's care and all decision-making. Many parents have limited time at home, but will use that time to learn to know their children. Abdicators will avoid being a parent to their handicapped children.

CONTROLLER PARENT

At the opposite extreme of the Abdicator Parent is the Controller Parent, who takes total control and responsibility for the child. Because these parents believe they know exactly what's best, they insist on making all the decisions for and about their children.

Controllers take the reins and "run the show." They issue orders and commands that may show little concern for the children's rights or feelings. Controllers continually judge and correct their children, directing their every move. Children of Controller parents have difficulty in development because they have never been given the freedom to achieve on their own. They often have a very poor self-image because of their parents' constant criticism. They may become passive, always waiting for orders. Some rebel and engage in a power struggle with their parent.

Another "loser" in the family with a Controller is the other parent. Because they are not allowed to be responsible partners, these parents often must resort to getting around the Controllers in some devious or dishonest way. These parents are robbed of their rights by the Controller parents.

MARTYR PARENT

A martyr is someone who chooses to suffer for a principle or who assumes an attitude of self-sacrifice to arouse feelings of pity, guilt, etc., in others. Martyr parents are always unhappy and very conscious of what they are "giving up" for their children. They insist on doing everything for the children and on doing nothing for themselves. What they are doing for themselves, however, is gaining recognition. People around the Martyrs notice how much they suffer. The Martyr's actions may evoke pity or guilt, but others are never allowed to share the burden of work or responsibility.

Like children of Controller parents, children of Martyr parents are deprived of a chance to do things for themselves. They have no reason to believe in themselves or their worth and often experience tremenduous guilt because of all the sacrifices of the Martyr parent.

In addition, other family members are made to feel they haven't done their share or are not capable of caring for the child's needs. Martyrs often end up alone with the child because they make people around them so uncomfortable.

CAVALIER PARENT

A Cavalier is one who is free and easy, who is casual or indifferent to important matters. Cavalier parents believe their role is to bring pleasure to their children and shield them from anything unpleasant. Their script is fun and games, ignoring problems.

Cavalier parents allow their children to avoid disagreeable situations. They don't make children take medication if it makes them cry or wear braces if they're too heavy. Cavaliers refuse to judge their children, giving them complete freedom to do whatever pleases them.

Parents of children with severe handicaps or with limited life expectancy often respond as Cavaliers. They feel so sorry for their children, they want to forget by playing and having fun.

The children of Cavalier parents do not learn to accept responsibility. They are not helped to realize that what they do today will affect what they can do in the future. They may expect life to continue to be a game without rules.

The other parents in these cases often are forced to be the "bad guys." They must enforce rules and insist on "un-fun" activities or actions for the good of the child.

ACTIVATOR PARENT

Parents who avoid all the pitfalls of the previous scripts are Activators. They accept their children as persons who have the right to develop their own potential. These parents know their children's lives can be meaningful if they are allowed to contribute to and be involved in the world around them.

Activators communicate with their children and accept their individual capabilities. Within those capabilities, they seek to develop skills that have long-range possibilities; encouraging every move toward independence.

Name: _____

Children of Activator parents are given a positive self-image. They are not restricted by rigid timetables or rules, but are motivated toward success with positive reinforcement. Pretend you are assigned to write a script for two of the parental roles, including the Activator role. Write it in the form of rules or commandments ("you shall," "you shall not," or "do", "don't"). Write at least eight rules for each. (Example for Controller parent: "You shall always keep close watch on your child.")_____

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Partnership with Parents

As we have mentioned, the parents of a child with special needs and professionals working with that child may see things differently. The parents have an emotional tie to the child and generally have special insights into the child's needs, interests, joys and frustrations.

Professionals, on the other hand, have the training and objectivity to identify certain of the child's needs. They have skills in handling the child and a long-range view of the child's developmental possibilities.

Interaction between parents and professional staff persons provides an opportunity for developing a well-rounded program for the child. There is also some opportunity for conflict as these people work with a child. Although paraprofessionals may not have the principal responsibility in working with parents, they should be aware of some problems that might develop between parents and staff persons.

A good partnership on behalf of children with special needs begins and ends with mutual respect, trust and support. A variety of factors may interfere with that relationship. There may be lack of understanding, suspicion or unrealistic expectations based on previously held beliefs or mistrust because of earlier unsatisfactory experiences.

Staff persons working with the children can help by understanding their own role in the care of the child. They can try, as much as possible, to understand the situation and feelings of individual parents. Paraprofessionals have a unique role in

these situations. Often parents feel more comfortable with paraprofessionals than with professional teachers or therapists and will talk to them more freely. Information about the children or questions regarding their care can then be shared with the appropriate staff person.

In working with parents, both professionals and paraprofessionals need to be sensitive to the parents' position. Parents and teaching staff each have areas of responsibility. These areas do not have distinct boundaries. The places where they overlap are places where conflicts might arise.

DECISION MAKING

Parents have the ultimate responsibility in decisions of referral, evaluation and education of their children. Professionals, however, play an important role in helping parents make these decisions. Staff persons can offer expert advice and design plans and objectives to meet a child's needs. They can act as facilitators who help parents make appropriate decisions for their children.

ESTABLISHING EDUCATIONAL GOALS

Establishing goals for individual children in special programs is often difficult. Unlike the process for children without handicapping conditions, planning for special children usually cannot follow general norms as guidelines. For example, a teacher does not have a norm for accomplishing a certain task or skill that fits most children with cerebral palsy. Plans and expectations must be developed individually for one child and his/her family.

In order to meet the educational needs of the special child, teaching staff persons must meet some of the parents' needs as well. They must try to accept and understand a family's position and base the educational programming for the child on where a family is, rather than where they think it should be. Staff teachers may offer options that will fit the family's situations and expectations. They can influence good choices by giving them appropriate information. They can demonstrate how certain programs might benefit the child.

PROVIDING INFORMATION

When giving information to parents, teachers and others who work with these children must exercise sensitivity. They must try to understand the parents' emotional state and their level of comprehension. Explanations should be given in plain language, not in technical terms or jargon. Parents need to have a general understanding of their child's condition. They need to know why certain programs are designed for the child and how the child might benefit from them. Some parents will want to know as much as possible; others will only be confused by too much technical information.

Paraprofessionals need to know how to respond to parent's questions. They should refer the parents to the teacher for the answer to questions about the child's assessment and programming. In general, paraprofessionals should follow these "do's and don'ts."

Name: _____

DO	DON'T
Be an active listener. Try to hear what the parents are really saying.	Try to explain or interpret the child's assessment to the parents.
Reflect the parents' question to show you have heard them correctly. ("You think Johnny is feeling a lot of stress trying to keep up with his program.")	Discuss changes in the child's educational programming.
Refer questions of programming, assessment and training to the professional teacher.	Discuss a parent's request for additional training.
	Discuss other children in the class.

Choose one "do" and one "don't" from the previous list. Explain why this policy should be followed.

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_____

BALANCING NEEDS

Teaching staff persons must work with two separate parties --the child with special needs and that child's family. Often the needs of these two conflict with each other. For example, a severly mentally retarded child may need the loving, accepting

atmosphere of a home and family. But the parents and siblings of that child have needs of their own--for privacy, for some choice in how they spend their time and for time away from the responsibility of caring for the handicapped child. All of these needs are difficult to meet with the child in the home.

In working with parents, professional staff persons need to balance and protect the rights of both parties. They can do this by finding compromises and negotiating on behalf of each party. Sometimes this means helping parents work for special services to meet the needs of the child. It may include directing parents to support groups that will help meet some of their physical and emotional needs.

PARAPROFESSIONAL ROLE IN PARTNERSHIP

There are some specific things paraprofessionals can do to support and encourage parents of children with special needs. By following some of these guidelines, paraprofessionals can become an important link between the parents and the rest of the teaching staff. Furthering this partnership will ultimately benefit the children they care for.

- Greet parents with a smile and be courteous. Give them an opportunity to establish a good relationship with the staff persons working with their children.

- Keep the lines of communication open by actively listening to parents' questions and comments. Give them an opportunity to express themselves as much as possible.

- Begin conversations by saying something positive, either about the child or the parent. ("Johnny recognized red and blue

Name: _____

when we worked on colors this week." "I'm happy you have taken time at home to work with Johnny on his colors.")

• Praise parents for their efforts in helping their child grow and learn. Yours may be the only source of praise and thanks many parents receive. Such appreciation can give them confidence and encouragement.

• Avoid using technical terms and jargon when talking to parents. Your explanations need to be given in language they can understand.

• Know which questions you should answer and which should be referred to a teacher or other professional staff person.

To illustrate these principles for paraprofessionals, write four sentences you might use in conversation with the parent of a child in your class.

1. _____

_____

2. _____

_____

3. _____

_____

4. _____

_____

PARENTAL INVOLVEMENT IN THE HOME AND SCHOOL

Often the parents of children with special needs want to help by doing some teaching in the home. Working with the teaching staff, they can plan activities at home that will reinforce the school program. Even though they have a limited

Name: _____

amount of time to spend, most parents can be effective home teachers if they understand their child's disability and how it affects learning.

It is important to give the parents activities that are appropriate for the child, that can be done in a variety of ways, and that can be done with other members of the family.

As an example, a child who needs help with number concepts may be helped by playing a game that uses numbers and counting. A brother, sister or grandparent might play the game with the child at home. When the parents are given activities that lead to success, they will want to continue helping their children in this way.

Robert, 3 years old, has speech and language delay. Explain two activities a teacher might ask his parents to do with him at home.

1. _____

_____

_____

2. _____

_____

_____

Being allowed to help in the school is another way parents of children with special needs learn to feel accepted. Although many parents work outside the home and cannot help during regular school hours, there are ways to involve them in their children's activities. In addition to helping in the classroom or the office, parents can help care for equipment, such as fish

Name: _____

tanks or playground furnishings. They can help make teaching aids, such as puppets or flannel board stories. They can make telephone calls and keep records.

Through their association in these activities, parents and the teaching staff can learn to know each other and feel more comfortable together. This relationship will help further communication efforts and serve as a basis for cooperation on behalf of the children.

Lisa is in your class of 4-year-olds. Her mother is available to help at school one day a week. What could you ask her to do?

1. _____

_____

_____

2. _____

_____

_____

Lisa's father works as a carpenter. He has offered to help the school whenever he can. What might you ask him to do?

1. _____

_____

_____

2. _____

_____

_____

CULTURAL CONSIDERATIONS

Many factors influence the behavior, feelings and attitudes of parents of children with special needs. Among them is their cultural background and environment. Each of us is a member of one or more cultural groups. Each of those includes a set of beliefs and values that guide our day-to-day activities. These beliefs and values are learned from our parents and grandparents, people who shape our early growth and development.

Culture is usually thought of in terms of outward signs, such as food, language and clothing. But culture really means a whole way of life and pattern of thinking, deeply rooted in tradition. What is valued or accepted in one culture may be unimportant or objectionable in another. For example, our dominant culture is very time-oriented. We need to know exact, split-second times. We run our lives by our clocks. Other cultures are much less compulsive about time. People from those cultures manage to accomplish their tasks without strict time schedules.

Such differing viewpoints may create conflicts between teachers and the parents of children in their classes. Sometimes parental attitudes a teacher thinks are uncaring or negative may result from a long-standing cultural tradition. For example, if a teacher observes parents who do not talk much with their child, she may think they are ignoring or rejecting the child. It may be, however, that the parents come from a culture that does not value verbal communication. Their parents probably did not talk with them either. In this case, a teacher

Name: _____

should not judge their actions as "bad," but should explain to them the importance of talking with children. Then the parents may choose whether or not to adapt this aspect of their culture to the needs of their handicapped child.

Most cultural differences can be overcome if both parties remember their common interest is the child. Each parent should be treated as an individual partner in the child's educational training program.

You have no doubt met people from cultures different from your own at school or work. Can you list what you have noticed that is different in their attitudes and/or behavior?

1. _____

_____

_____

_____

_____

2. _____

_____

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LEARNING EXPERIENCE 3

The Community

Introduction

The previous section explained difficulties parents experience adjusting to the birth and development of a child with a handicapping condition. An increased awareness of their needs in recent years has led to a growing number of support services in the community. Some of these are educational or health-related agencies aimed at providing for the welfare and development of children with special needs. Others are organizations for parents to help them cope with their problems and act on behalf of their children for more and better services.

In addition to these service agencies and organizations, the community provides support to these families in the way it treats persons who are handicapped. Private businesses may attempt to make their buildings more accessible with ramps and lowered telephones or drinking fountains. A recent development is a "talking door" that identifies the exit for visually-impaired persons.

Communities often have been reluctant to accept residences for handicapped persons in their neighborhoods. Half-way houses for mentally retarded persons benefit those persons most if they are located in neighborhoods where the residence can be a part of the community. Many people resist having such a home in their neighborhood, however. Usually they are afraid of having

mentally retarded persons near their children. Sometimes they are just uncomfortable around people who are "different."

In cases like these, service organizations and agencies, along with the parent groups, can help give people in the community a better understanding of the needs of handicapped persons. Paraprofessionals should be aware of the various state and local groups available to help the parents of children in their classes.

Parent Organizations

Some of the periods of psychological adjustment and emotional distress can be particularly difficult. At these times, parents often can find no better source of strength and encouragement than from organizations of parents who themselves have experienced the same sets of emotions. Most larger metropolitan areas have either local chapters of state organizations or their own support and advocacy groups. In smaller communities, membership in state or national organizations is possible. Many opportunities exist for those parents to establish their own local organizations.

Parent organizations function in many ways and for numerous different purposes. Overall, however, there are two general purposes for parent organizations:

1. To provide information and support to parents of children with handicapping conditions.
2. To serve as an advocate on behalf of children with handicapping conditions.

Perhaps the most basic need the parent of a handicapped child may have is for accurate information about the child's handicapping condition--its causes and effects (both short-term and life-long). Parent organizations can provide this kind of information. Their information is based not only on theory and case studies, but also on their own first-hand experiences with raising children with the same handicapping conditions.

Name: _____

Obviously, these same parents also can provide a great deal of emotional support to the parent of a child with a handicapping condition. Once parents receive the information they seek, they may need someone or some group of people to help them understand and accept that information. Members of parent organizations are in a position to provide that support.

What two important services do parent organizations provide for "parents" of handicapped children? _____

_____

_____

_____

_____

In addition to providing information and support to parents of children with handicapping conditions, parent organizations play a vital role in fighting for and securing numerous rights for the handicapped child. They do this by serving as an advocate for the child, arguing and pleading on the child's behalf. Parent groups serving as child-advocates were instrumental in the passage of the Education of All Handicapped Children's Act of 1975 (P.L. 94-142). The landmark victory for the education of retarded children in PARC vs Pennsylvania was a victory for parent organizations as well.

As advocacy groups, parent organizations often provide a means for channeling the parents' emotional energies toward positive and productive goals. In most instances, handicapped children are unable to argue for their rights on their own behalf. The parents, therefore, are able to serve as their advo-

cates and make significant contributions to the well-being of their children through organized efforts toward positive change.

A list of state-level organizations for parents with handicapped children appears in Appendix 2.2. Most of these state-level organizations also have local chapters in the larger metropolitan areas of the state.

Explain the service parent organizations that provide for "children" with handicapping conditions. _____

_____

_____

_____

_____

Community Service Resources

In almost every community, there exist some organizations, agencies or clubs that include among their objectives providing information, support and services to the disadvantaged of the community. (Historically, children with handicapping conditions have been included under this umbrella title of "disadvantaged.") Larger communities have many resources available to the disadvantaged. Usually some central agency is created or appointed to coordinate the delivery of these services to those who are in need of them.

In most instances, the United Way provides the leadership needed. It compiles a Directory of Community Services that lists all the associations, agencies, centers, organizations, etc., that dedicate themselves to the service of others. Many of these agencies provide their services free of charge. Others

may have a "sliding fee schedule." This means people pay for the services they receive according to how much money they earn. The less money they make, the less they have to pay the agency.

Each directory listing may include:

Agency name
Address, phone number
Person in charge
Organizational structure
Purpose of the agency
Source of funding
Business hours
Programs and specific services offered
Contact person
Target population and eligibility requirements
Application procedures
Fees (if any)
Accessibility to handicapped

A typical directory will index the listings both alphabetically and by subject. You should be familiar with the Directory of Services in your area. In San Antonio/Bexar County it is referred to as the Blue Book. Following is a typical page from the Blue Book:

SAN ANTONIO CHILDREN'S CENTER (SACC)

2939 W. Woodlawn Ave., 78228 736-4273

EXECUTIVE DIRECTOR: Carl M. Pfeifer, M.D.

ORGANIZATIONAL STRUCTURE: SACC is a private, non-profit psychiatric hospital. The original non-profit State charter was granted in 1887 under the name of San Antonio Home for Destitute Children.

PURPOSE: Psychiatric hospital which provides inpatient (64 beds), and outpatients treatment services for psychiatrically disturbed children and adolescents ages 3-16. The center also offers training to a wide range of mental health professionals and consultation to community agencies.

SOURCE OF FUNDS: State and Federal funds, United Way and fee for services.

BUSINESS HOURS: 8:00 a.m. - 5:00 p.m., Monday - Friday.

PROGRAMS AND DIRECT SERVICES PROVIDED:

Inpatient Program - provides 24-hour comprehensive inpatient psychiatric treatment to severely emotionally disturbed children ages 3-16, which include individualized psychiatric treatment planning for each child and family, and appropriate medical, psychiatric, psychological, social work, special education, and recreation activities.

CONTACT PERSON: Mrs. Marcy Barrera, Intake Coordinator.

TARGET POPULATION & ELIGIBILITY REQUIREMENTS: Emotionally disturbed children ages 3-16, males and females.

APPLICATION PROCEDURE: Written or verbal referral from a mental health professional or clinic.

FEES: Sliding fee schedule.

The Developmental Disabilities Program - provides diagnostic and treatment services for developmentally delayed, emotionally disturbed children, ages 3-14, on an inpatient basis, which include psychiatric, psychological, educational, language, pediatric, and/or neurological evaluations.

CONTACT PERSON: Mrs. Marcy Barrera, Intake Coordinator.

TARGET POPULATION & ELIGIBILITY REQUIREMENTS: Emotionally disturbed and/or mildly to moderately retarded children, ages 1 - 10 males and females.

APPLICATION PROCEDURES: Same as above.

FEES: Same as above.

ACCESSIBILITY TO THE HANDICAPPED: Parking, entrances, doors, rest rooms, water fountains.

Name: _____

What does a directory of community services provide to help parents of children with handicapping conditions? _____

_____

_____

_____

_____

Refer to the directory of community services provided by your teacher and answer the following questions about a specific agency listed there.

1. Where does that agency get its funds? _____

_____

2. What programs are offered by the agency and who is eligible for them? _____

_____

_____

3. Explain the fees charged by the agency. _____

_____

_____

_____

Using a directory available in your city or county, find the agency you would seek out if you had a child with a vision impairment. Explain how that agency might be able to help your child and you. _____

_____

_____

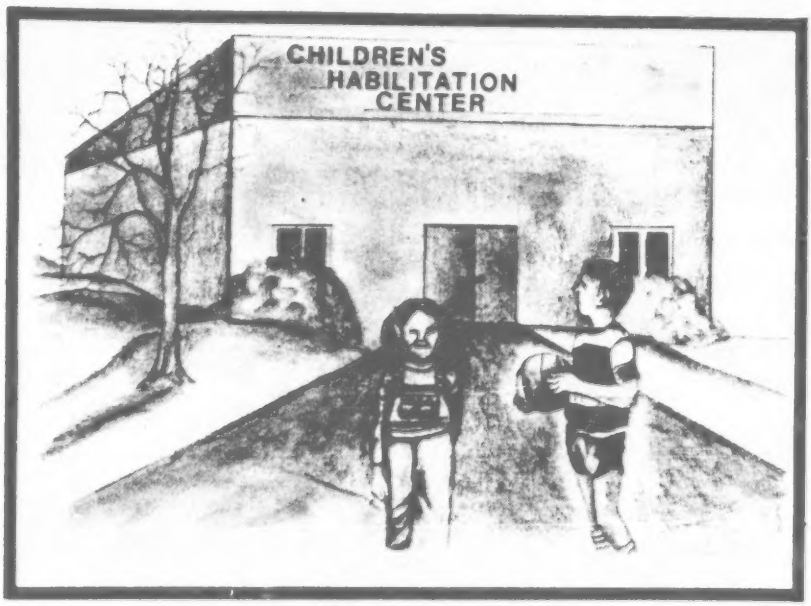
_____

_____

Educational Agencies

Some agencies are targeted to the educational needs of handicapped children. Many parents today can find services to meet the needs of their handicapped child in the public school system. Some, however, do not agree the programs available there are adequate for their children. In that case, the school district may sub-contract for service with an appropriate agency. These services are available for children enrolled in private and parochial schools also.

Local hospitals that specialize in treating children can usually direct parents to an agency or school designed to meet the needs of their child. These may include schools for children with hearing impairments, Down's syndrome or cerebral palsy.



Summary

This unit has given you a broad overview of three components of the team that affects the education of children with handicapping conditions. A fourth component--the teachers--works together with the parents, paraprofessionals and community to help these children reach their fullest educational potential.

When you work with children who have special needs, you will be working and viewing the situation from the position of a paraprofessional. You need to understand the opportunities and the limitations of that position--what you should and should not do. You need to remember the ethical standards that apply to everyone who works with special children and be a positive representative of all paraprofessionals.

Part of your responsibility as a team member is to respect the rights and needs of both children with special needs and their parents. Your efforts toward understanding these parents can make a significant contribution to the total educational process of their children.

Finally, your understanding of available community resources and their part in supporting both children and parents can provide supplemental help in your work. These service organizations and agencies often will be able to offer an extra dimension of service beyond what you and your school or center can provide.

Although all of these components are essential to the success of the team, their strength lies, not only in their indivi-

dual contributions, but in their willingness to work together. An athletic team wins only when its members put teamwork above individual achievement. A team of horses joined together can pull more than any of them could alone. As a member of the educational team, the paraprofessional must be willing to take both the individual and collective responsibility. Along with that, however, comes the satisfaction of being part of a united effort to make the present and the future brighter for some very special children.

APPENDIX 2.1

HELPFUL HINTS FOR WORKING WITH CHILDREN

1. Praise the child's successes and the things he or she does correctly, no matter how small. Praise includes physical affection--pats and hugs--as well as words.

2. Correct the child indirectly whenever possible by showing the child how to do things correctly. For example, rather than correcting the way your child says something by saying, "That's wrong. Say it this way," you should say correctly what the child tried to say.

3. Speak clearly in a normal voice. It does not help to speak to the immature child in "baby talk" or to shout at the hearing-impaired child.

4. Whenever possible, use more than one approach by talking to the child about the things nearby and by letting the child touch, taste and smell things. The use of all the senses is especially important for children with problems because one or more of the senses may be impaired.

5. Be consistent in what you say and do and in the rules your child is to follow.

6. Give the child physical love and support. Young children, particularly those with problems, may not understand words alone.

7. Provide a variety of experiences, showing and explaining things as much as possible.

8. When one way of helping the child learn does not work, try other ways.

9. Talk with the child informally throughout the day as you would with a friend. Set aside small amounts of time--5 to 10 minutes--to teach an activity when both you and the child are relaxed, not rushed.

10. All all times, speak to and treat the child with the same courtesy and consideration you would give your friends.

(Texas Department of Human Resources, 1979)

APPENDIX 2.2

Organizations for Parents

Epilepsy Association of Texas
300 E. Huntland Drive, Suite 105
Austin, Texas, 78752
(512) 459-7373

A statewide organization of parents, persons with epilepsy and interested professionals; local chapters, newsletter and publications.

Parent Association for the Retarded of Texas
8301 Franwood
Austin, Texas, 78758
(512) 453-7145

A statewide organization for parents of retarded children and adults who live in state schools for the mentally retarded.

Texas Association for Children with Learning Disabilities
1011 W. 31st
Austin, Texas, 78705
(512) 458-8234

A statewide organization of parents and professionals; local chapters, newsletter and publications.

Texas Association for Mental Health
103 Lantern Lane
Austin, Texas, 78731
(512) 459-6584

A statewide organization of parents, professionals and interested volunteers; local chapters, newsletter and publications.

Texas Association for Retarded Citizens
833 Houston St.
Austin, Texas, 78756
(512) 454-6694

A statewide organization of parents, professionals and interested volunteers; local chapters, newsletters and publications.

Texas Society for Autistic Citizens
203 Stokes Building
314 W. 11th
Austin, Texas, 78701
(512) 472-1454

Statewide organizations of parents and interested professionals; local chapters, newsletters and publications.

United Cerebral Palsy of Texas
201 San Jacinto Building
9th and San Jacinto
Austin, Texas 78701
(512) 477-6515

A statewide organization of parents, persons with cerebral palsly and interested professionals; local chapters, newsletter and publications.

State Agencies

Texas Commission for the Blind
314 W. 11th
Austin, Texas, 78701
(512) 475-6036

Provides information, education and referral services for blind persons.

Texas Commission for the Deaf
P.O. Box 12904
Austin, Texas, 78711
(512) 475-2492

Provides information, education and referral services for deaf persons.

Texas Department of Community Affairs
Early Childhood Development Division
210 Barton Road
P.O. Box 13166-Capitol Station
Austin, Texas
(512) 475-5833

Agency to promote the welfare of young children in Texas. Assists local units of government in child-related matters; maintains information on condition of children and children's services; provides state-wide information; coordinates training

of child-care workers and handicapped resources for Head Start. Publishes a directory of services.

Texas Department of Health
1100 W. 49th
Austin, Texas 78756
(512) 458-7241

Crippled Children's Services Program provides physical restoration services for crippled children younger than 21 who meet state requirements. Services include hospitalization, medical and surgical care, artificial appliances, and physical therapy.

Speech and Hearing Program-Maternal and Child Health Division provides diagnostic evaluation of significant hearing loss and hearing aids for hearing-impaired children from low-income families.

Texas Education Agency
Division of Special Education and Special Schools
201 E. 11th
Austin, Texas, 78701
(512) 475-3009

Texas State Library - Division for the Blind and Physically Handicapped
P. O. Box 12927
Capitol Station
Austin, Texas 78711
1-800-252-9605

Provides reading material for visually impaired persons.

Local Offices of State Agencies

Texas Department of Human Resources - Handicapped Coordination Services
700 Steves
San Antonio, Texas 78210
533-3161

Provides information and referral, sign language interpreting services, Braille interpretation; acts as advocate for the rights of disabled persons.

Texas Rehabilitation Commission
Vocational Rehabiliation Division offices

1222 N. Main Ave.
San Antonio, Texas
224-1767

Central District Office
414 S. Main Ave.
San Antonio, Texas
225-3281

East District Office
120 N. Mesquite
San Antonio, Texas
223-6291

Epilepsy Office
1017 N. Main
San Antonio, Texas
224-6179

Serves physically or mentally disabled persons by providing evaluation, counseling, guidance, interpreters, medical treatment, training, room, board, transportation and job placement.

Texas Society to Prevent Blindness
4335 Piedras West
San Antonio, Texas 78228
734-5051

Offers free vision screening for children ages 3-5. Offers films, talks and publications for parents and professionals.

Appendix 2.3

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Appendix 2.4

RESOURCE REFERENCES

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Shank, P.C., & McElroy, W. The paraprofessionals or teacher aides: Selection preparation and assignments. Midland, Mich.: Pendell Publishing Co., 1970.

The utilization and training of paraprofessionals in special education: Results of survey of state directors of special education and descriptions of training programs. New York: City University of New York, 1977.

Utilizing teacher aides in the classroom. Springfield, Ill.: Charles C. Thomas, Publishers, 1978.

UNIT III

THE CHILD CENTERED EDUCATIONAL PROCESS

UNIT III

REQUIRED LEARNING EXPERIENCES

1. Read "Introduction," "Purpose," and "Objectives." Read "Child Identification" and the Situation and complete the questions in that section.

   TI _____ R(NA) _____ R(A) _____

   Be prepared to discuss in class how a paraprofessional might be involved in identifying a child in need of special educational services.

2. Read "Individual Assessment" and the Situations included in that section, then answer the questions.

   TI _____ R(NA) _____ R(A) _____

   Be prepared to discuss in class how the assessment process protects the rights of children and the parents' rights to due process.

3. Read "Individualized Education Plan" and the Situation in that section, then answer the questions and complete the assignment using the materials provided in the Appendix.

   TI _____ R(NA) _____ R(A) _____

   Be prepared to discuss in class how an appropriately written IEP might help place a child in need of special services and how it might aid in the educational success of that child.

4. Read "Individualized Instruction" and answer the questions.

   TI _____ R(NA) _____ R(A) _____

   Be prepared to discuss in class how a plan of instruction could be "tailor made" for an individual student in special education.

5. Read "Related Services" and "Summary" and answer the questions.

   TI _____ R(NA) _____ R(A) _____

   Be prepared to discuss in class the kinds of related services available to handicapped children and how they could be used.

UNIT III

OPTIONAL ACTIVITY

Instrument Report

Research one assessment instrument from the list at the bottom of the page and write a 2-page report on it. Include the following information:

- How is it administered?
- What does it measure?
- What type of data does it produce?
- Which methods does it use:

  Criterion-referenced (measures a specific degree of knowledge/skill the child has or has not attained in a particular area, such as mastery of the alphabet)

  Norm-referenced (measures the child's performance against others in a specified group, such as age, grade, etc.)

  - What kind of training is needed to use this instrument?
  - In what setting might it be used (school, psychologist's office, or residential facility, etc.)?

*****

Select an instrument from the following list:

Goodenough Harris' Draw-a-Man
Vineland Social Maturity Scale Revised
Mary Ann Frostig's Test of Perceptual Motor Skills
Peabody Picture Vocabulary Test
Brigance Inventory of Early Development
The Adaptive Behavior Scales (school or institutional)
Camelot Behavioral Checklist
Bender Visual Motor Gestalt Test
Wide Range Achievement Test
Slosson Intelligence Test for Children and Adults
Leiter International Performance Scale
Jame's Test of Language Dominance
Wechsler Intelligence Scale for Children Revised
Bayley Scales of Infant Development
Weschler Preschool and Primary Scale of Intelligence
Stanford-Binet Intelligence Scale

UNIT III

OPTIONAL ACTIVITY

IEP Interview Report

After getting the approval of your instructor, arrange to interview a teacher about the use of the individualized education plan in special education. Include the following questions:

- What are the advantages of using individualized education plans--for the students and for the teachers?
- What are the disadvantages or difficulties associated with using IEPs?
- Do they accomplish their purpose?
- What changes would you like to see made (if any) in the process of identifying, assessing and placing children with special needs?

Your report also should include background information about this person and the facility (what kind of facility, how many children in special education programs, how many special education teachers and/or administrators, and are there any children receiving related services).

Conclude your report with a subjective comment on your reaction to the interview. Do you think the teacher is informed about the purpose and use of IEPs? Did his/her comments give you any new insights into the use of IEPs for special education? Add any other comments you might have about the interview.

UNIT III

OPTIONAL ACTIVITY

Journal Article Summary

Read three journal articles written within the last three years on ONE of the following subjects:

- Least restrictive environment
- Mainstreaming
- Resource room/special education facility (self-contained)

Write a summary of the article in no more than two pages for each article. USE YOUR OWN WORDS. DO NOT COPY from the articles, except for short quotations or statistics.

Write a one-page summary and critique of what you have read. A critique is an analysis or evaluation of a subject. In this case, it should be your analysis of and reaction to what you have read.

Use the Reader's Guide to Periodical Literature or the Education Index in the periodical section of the library to find appropriate journal articles.

BE SURE TO GIVE YOURSELF ENOUGH TIME TO COMPLETE THIS PROJECT. Begin as soon as this unit is started. DON'T WAIT UNTIL THE LAST MINUTE. Successful completion of this activity requires thorough and thoughtful work.

UNIT III

OPTIONAL ACTIVITY

Staffing Report

With your instructor's approval, obtain permission to attend a staffing (ARD, IEP, CRC or Progress Review) as an observer. You must make the arrangements for this observation and obtain permission from the appropriate person at the agency or school where you wish to observe.

Write a 2-3 page report which will include the following information:

OBJECTIVE

1. What kind of facility did you visit?
2. What was the main purpose of the meeting?
3. What was the title or position of the person in charge of the meeting?
4. How long did the staffing last?
5. Was there opportunity for an exchange of ideas and information at the meeting, or did one person do all the talking?
6. Who attended the meeting (include title or position)?
7. What decisions were made? Was there any disagreement?
8. Was the meeting conducted formally (moving methodically through a previously set agenda) or informally?

SUBJECTIVE

1. What did you see as the purpose for each person's presence at the meeting?
2. What effect will this meeting have on the child's education?
3. What is your reaction to the meeting's content? What do you think was or was not appropriate or helpful?

UNIT III

OPTIONAL ACTIVITY

Evaluation Session Reports

With your instructor's approval, arrange to observe an evaluation session conducted by a professional, such as a speech pathologist, physical or occupational therapist, educational diagnostician, vocational evaluator or nurse. Make arrangements ahead of time to interview the person after the session. Show him/her the questions you plan to ask when you set the appointment.

Ask the following questions and add any others you would like to ask:

- What are your conclusions and recommendations about this child from your evaluation today?
- Was this a typical session in length, type of response, conclusion, etc.? If not, how was it different?
- Did you have the time, equipment and information necessary to make this session as successful as you wanted it to be? If not, what more did you need?
- Will you do any other evaluation sessions or classroom observations on this child?
- What kind of training have you had to prepare you for this work?
- Who else will evaluate this child?

In addition to the interview, complete the form on the following page.

xxx

Evaluation Session Report

PURPOSE OF EVALUATION _____

_____

AGE OF CHILD _____

PROFESSION OF PERSON CONDUTING EVALUATION _____

_____

TIME SESSION BEGAN: _____

TIME SESSION ENDED: _____

PHYSICAL SETTING (DESCRIBE ROOM): _____

_____

_____

INSTRUMENT(S) USED: _____

_____

ADD ANY COMMENTS YOU HAVE ABOUT THE SESSION OR THE PERSON WHO CONDUCTED IT:

UNIT III

THE CHILD CENTERED EDUCATIONAL PROCESS

Introduction

An understanding of the federal and state laws concerning the handicapped is important to anyone who works with children with handicapping conditions. How those laws are put into action (implemented) at the local level is even more important, because putting the laws into action directly affects you as a paraprofessional. Implementation of the laws also affects children with whom you work.

In Texas, legislation regarding the education of handicapped children is put into action primarily through the rules and regulations made by the Texas Education Agency (TEA). In this unit, we will focus on the agency's interpretation of the laws as published in the Policies and Administrative Procedures for the Education of Handicapped Students (TEA, 1979). These policies and procedures are currently being revised and updated. They, like the laws (both case and statutory) upon which they are based, are subject to frequent changes. For example, as a result of the recent passage of the Snelson Early Intervention Bill (S.B. 630), policies and procedures must be developed that address the needs of children from birth to 3 years old.

Purpose

This unit will present the process for identifying, educating and providing additional related services to handicapped children, as required by law and implemented through TEA

policies and procedures. This process is called the CHILD CENTERED EDUCATIONAL PROCESS (CCEP).

Throughout the explanation of this process, you will find episodes from a hypothetical situation used as an example of how the Child Centered Educational Process should or should not work. You will be asked to answer questions about this situation, and how the procedures used do or do not conform to TEA guidelines.

The unit is divided into five sections that make up the five main parts of the Child Centered Educational Process:

1. Child Identification
2. Individualized Assessment
3. Individualized Education Plan
4. Individualized Instruction
5. Related Services

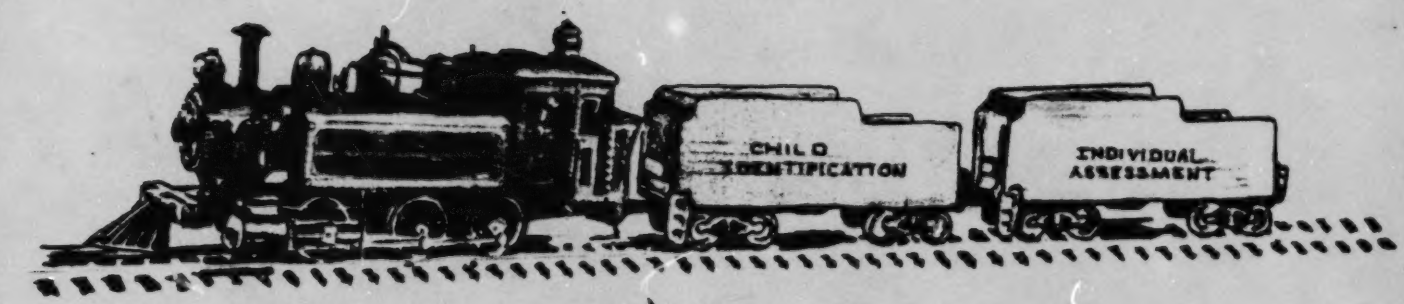
At the end of the unit, you will find a chart that should prove helpful in tracing the various steps that must be taken in following the Child Centered Educational Process (Chart on page 239). Refer to it frequently in order to better understand both the individual step being studied and the place in the entire process that step represents.

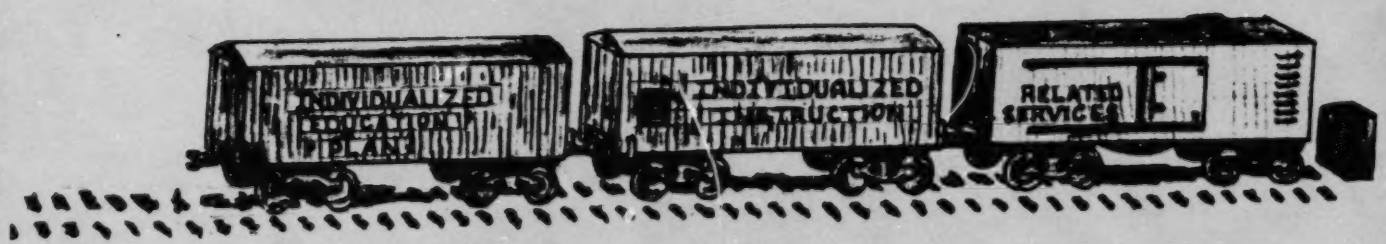
Objectives

After completing this unit, you will be expected to:

1. Explain the process of identifying children with handicaps
2. Explain the process of individual assessment
3. Explain the development and review of the Individualized Education Plan

4. Identify the major aspects of and the rationale for individualized instruction
5. Identify the range of educationally related services available to children with hardicapping conditions





LEARNING EXPERIENCE 1

Child Identification

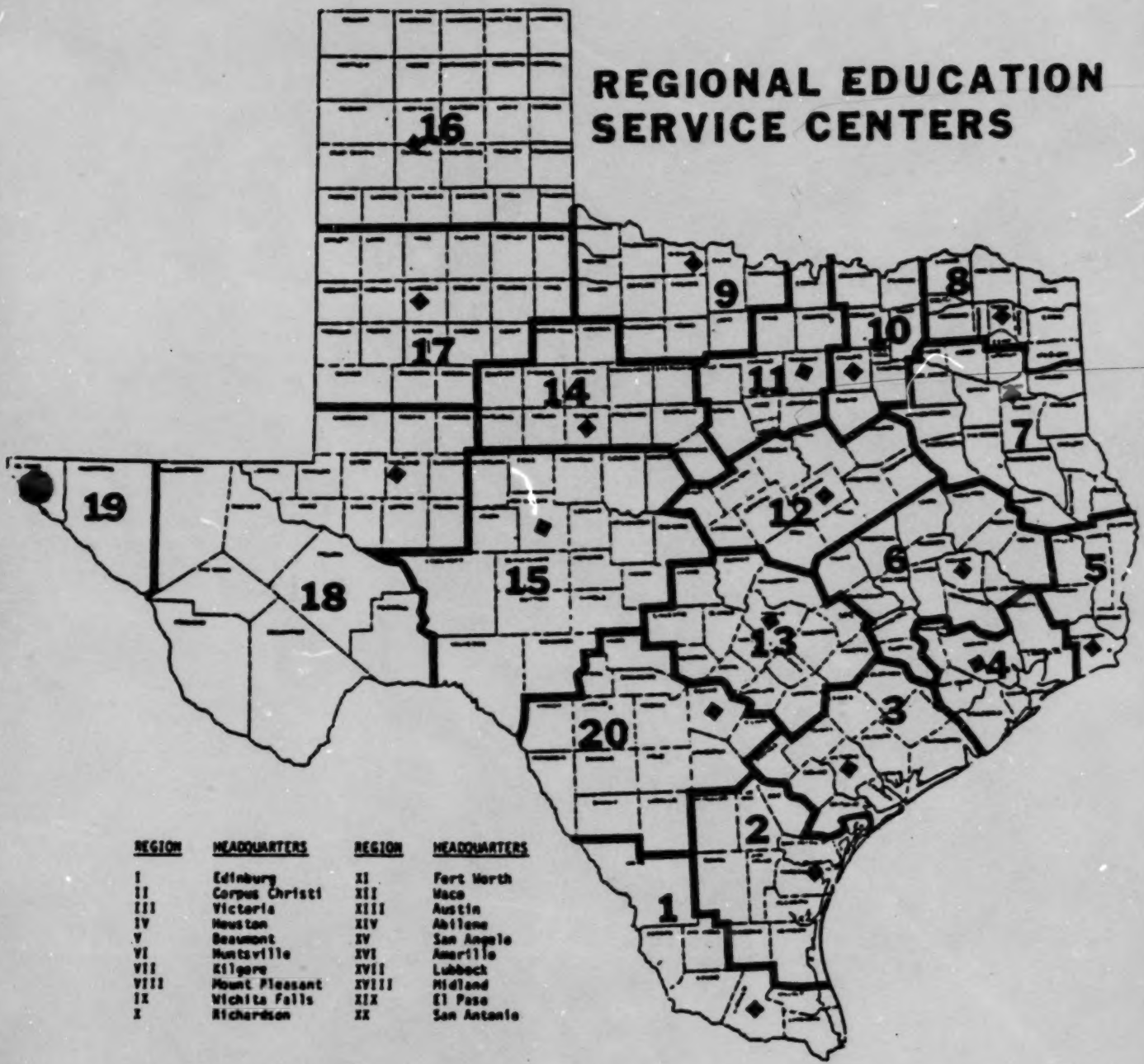
REFERRALS

Handicapped children may come to the attention of school officials in any number of ways. The parents themselves may suggest to the school that their child should be evaluated for special education services. A teacher, paraprofessional, doctor or community agency also may contact the school for the same purpose. When this is done, a REFERRAL is being made. Referrals also may be made as a result of screening or testing programs conducted with all the children in a school district. In any case, the referral should always be made to the principal of the school nearest where the child lives.

EDUCATIONAL SERVICE CENTERS

Another way school districts may receive information about children with special needs is through the CHILD FIND/SERVE PROJECT. This project is housed in each of the 20 EDUCATION SERVICE CENTERS located throughout the state of Texas (see Figure 3.1 for locations and boundaries). The Child/Find Serve Project is one of a variety of services provided by the Education Service Centers. It is one of the most important to you

Figure 3.1 REGIONAL EDUCATION SERVICE CENTERS



REGION	HEADQUARTERS	REGION	HEADQUARTERS
I	Edinburg	XI	Fort Worth
II	Corpus Christi	XII	Waco
III	Victoria	XIII	Austin
IV	Houston	XIV	Abilene
V	Beaumont	XV	San Angelo
VI	Huntsville	XVI	Amarillo
VII	Kilgore	XVII	Lubbock
VIII	Mount Pleasant	XVIII	Midland
IX	Wichita Falls	XIX	El Paso
X	Richardson	XX	San Antonio

because of the role it plays in identifying and serving children with handicapping conditions.

Each school district and Education Service Center is required to establish and maintain a system of making the general public aware of the services available to handicapped children. A minimum of one public awareness activity a year must be conducted and may use such techniques as radio and television advertising, announcements in newspapers or flyers, or public meetings.

Additionally, each service center must maintain a directory of services and resources available for children with special needs. Services and resources include providing testing, counseling, equipment loans, etc. These services may be from individual school systems or from private agencies and other public organizations that provide services to children with handicapping conditions. Each school district has a written procedure for using the regional directory of services and resources.

The three services, then, provided by the Education Service Centers, are

- The Child Find/Serve Project
- Annual public awareness activities
- The directory of services to and resources for handicapped children

Name: _____

SITUATION

Rene Alba is a 5-year old attending school for the first time. After a few weeks at school, the teacher's aide who works with Rene each morning begins to notice he doesn't talk very much and sometimes doesn't respond when spoken to. The aide talks with the child's teacher and they decide not to say anything to anyone, but instead watch Rene closely for a few weeks.

Three months later, nothing has been done about Rene and the aide notices he also has difficulty expressing himself to other children. The aide reminds Rene's teacher of his situation and asks if they shouldn't refer him to the principal. Rene's teacher tells the aide to mind her own business.

QUESTIONS

1. **Who may make a referral if the child is suspected of being in need of special education services?**

_____

_____

_____

_____

_____

Name: _____

2. In this situation, who could refer Rene for screening and identification to see if he needs special services?

_____

_____

_____

_____

_____

3. Does Rene exhibit behavior that might justify such a referral? _____
Why or why not?

_____

_____

_____

_____

_____

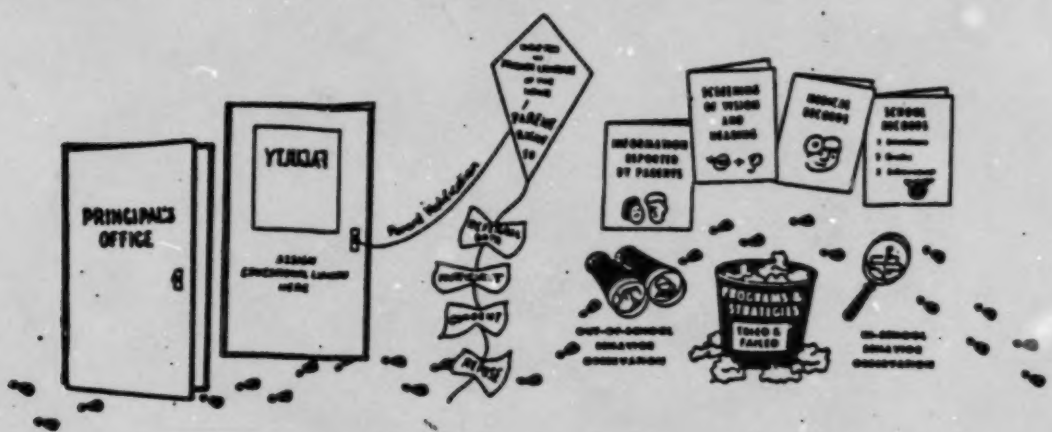
LEARNING EXPERIENCE 2

Individual Assessment

The second step in TEA's Child Centered Education Process is Individual Assessment, in which a child is given careful screening and examination. Records are reviewed by a committee to determine if the child should receive special education services. This happens in four steps:

1. The assignment of an educational liaison responsible for data collection
2. The referral committee meeting
3. Comprehensive assessment
4. Admissions Review and Dismissal (ARD) Committee meeting

EDUCATIONAL LIAISON AND DATA COLLECTION



EDUCATIONAL LIAISON ASSIGNMENT & DATA COLLECTION

At the time a referral is made to the school, the principal must appoint an EDUCATIONAL LIAISON. (Liaison is defined as a

means of communicating between bodies, groups or individuals. In this case, it is a person from the school who communicates with the parent and child on behalf of the school district.) This person is responsible for the collection of any data that might be necessary in the preliminary screening of the student. The purpose of the preliminary screening is to determine eligibility for special education services.

The selection of an educational liaison depends upon several factors. Among them are (1) the age of the child, (2) whether the child has previously been in school, and (3) the possible area of concern, such as speech, sight or hearing problems. Generally, the educational liaison will be the person who knows the child best or would be the most aware of the child's primary problem, such as a teacher or speech therapist. The educational liaison should be provided with appropriate information regarding the responsibilities of this assignment.

The parents, if they did not initiate the referral, must be notified by the principal that the referral is being made. This notification must be in writing and must be in the primary language spoken in the child's home. It should state that the child has been referred to the principal's office to determine the appropriateness of his/her educational program. That is, the child's present placement and educational program are to be reviewed in order to ensure it is appropriate for his/her individual needs. (Sample letters appear in Figures 3.2 and 3.3.)

The educational liaison serves as the facilitator (helper) in the gathering of information and data. This data will be

Figure 3.2

Department of Special Education

_____
Date

Dear

Your child, _____, has been referred by _____, to this office as possibly requiring individualized services to meet his/her educational needs. _____, having previously contacted you, has collected all available data on your child to support the need for this referral. The information collected includes achievement records, attendance records, teacher information, general health information and school observations. This information will be made available to you upon request and for review or you may obtain a copy of all collected information at cost of reproduction, by contacting this office at between the office hours of 8:30 and 4:30.

The collected information will be sent to a referral committee which will make a decision (a) that your child should remain in his/her present instructional program, or (b) be referred to another type of program, or (c) be referred for a comprehensive individual assessment through this department. Whatever the decision, you will be notified of the committee's results and your written consent will be requested in the event any type of formal evaluation is required. It is important that you understand that no appraisal or testing will occur without your written approval.

If there are any questions you might have or if we may be of any assistance to you please do not hesitate to contact this office.

Sincerely,

Director, Special Education

Parent Notification of Referral

Figure 3.3

_____
Attendance School

_____
Student's Date of Birth

Dear _____.

Your child _____ has been identified as possibly needing special assistance. I have been appointed to collect the information relating to your child's education and to work with you in responding to his needs. A referral committee will meet at _____ on _____ at _____
School Date Time

to discuss _____ program.
Student's name

After reviewing all the information, the options to meet your child's needs may include one of the following:

1) Continuation in regular classroom with the assistance of campus specialists or
2) Referral for additional testing and possible service through the Special Education program.

You are invited to attend the meeting. If you want to attend and this time is inconvenient, please call the school at _____ for an alternate time. Regardless, you will be provided with a copy of the Committee's report.

****

Estimados Padres,

Pueda ser posible que su nino(a) necesite asistencia especial en la escuela. Yo estoy encargada de collectar todos los datos sobre el desarrollo educacional de su nino(a) y de comunicarme con ustedes. El comite va a descutir esta información _____
escuela

_____ _____ de _____.
fecha hora Nombre de Estudiante

Luego, se considerán estos alternativos:

1) Continuar en la clase regular con la asistencia de uno de los especialistas de la escuela
2) Referir para exámenes adicionales y posiblemente servicios del departamento de educación especial.

Los invitadamos asistir en esta junta. Si quieren asistir y no es conveniente, llamen por favor a la escuela _____. De todos modos les mandaremos una copia del reporte del comite.

_____ _____
Educational Liaison Initial Referral Date

Figure 3.3 (cont.)

Request for Testing

Llame 673-4496 para una explicación de estos exámines en español

Student's Name | DOB | SCHOOL

Recommended Testing: Comprehensive/Speech, Language, and Hearing

****

Dear Parent,

Your child's teacher and other members of the school staff met recently as a committee to review your child's progress and educational program. The committee concluded that the school can serve your child better if more information is available to identify his/her special needs. Thus the committee is recommending to you that your child receive additional evaluation. Your consent for such evaluation is voluntary and may be revoked at any time. Following testing, a written summary of the evaluation will be developed. You will have an opportunity for a personal interpretation of the testing by the examiner. A meeting will then be scheduled to plan your child's program in light of the testing. You will have the opportunity to attend that meeting to participate in decisions regarding your child's program. Your signature below indicates your consent for further evaluation of your child and that you have received the Northside List of Test Instrument and a copy of the handbook Parent and Student Rights for a Special Education.

****

Estimados Padres de familia,

El maestro(a) de su niño(a) y otros miembros del personal escolar se juntaron y formaron un comité para estudiar el desarrollo educativo de su niño(a). El comité conclujó que pueden mejor servir a su niño(a) si tuvieran más información. Por esa razón el comité le recomienda una serie de exámines para su niño(a). Su permiso es voluntario y se puede recindir. Al completar los exámines se preparará un resumen. Recibirá una explicación personal por el examinador. Luego nos juntaremos en la escuela con usted para planear el programa educativo tomando en cuenta los resultados de los exámines. Tendrá la oportunidad de asistir en la junta y de participar en la determinación del programa de estudios para su niño(a). Su firma da permiso para administrar los exámines y significa que ha recibido una copia del libreto Los Derechos de los Padres y Estudiantes a una Educación Especial y una lista de los exámines.

Date | Parent or Guardian's Signature

Home Phone | Work Phone | Address | Zip

Figure 3.3 (cont.)

Dear Parent,

We regret that you were unable to attend the ARD meeting for your child _____; however, we are attaching a copy of the ARD report for your information and review. The action proposed will be implemented on _____ unless you contact the school to express your disagreement. Feel free to call _____ (Educational Liaison/Telephone Number) if you have any questions. If you're in agreement with the proposed action please sign and return the blue copy to the school. All yellow copies are for your file.

****

Estimados Padres,

Teníamos la esperanza de que ustedes asistieran a la junta del Comite ARD. Como no fué posible, les enviamos el reporte completo de las recomendaciones educacionales para su hijo(a) _____ (nombre). Empezarán _____. Si ustedes no aprueban las recomendaciones llamen a la escuela. _____ (número)

Si aprueban el plan educacional, firmen las copias y regresen la azúl a la escuela. Las copias amarillas son para ustedes.

****

_____ _____
Parent's Signature

_____ _____
Date School

Figure 3.3 (cont.)

We request _____ _____, be considered for
Student's Name School
placement in Special Education (___Speech/Language/Hearing and/or ____ Other Instructional Arrangements) by the school's Admission, Review and Dismissal Committee (ARDC). The ARDC will review your child's records, will determine if he/she meets eligibility criteria, and will recommend appropriate instructional placement.

Permission is voluntary and may be revoked at any time.

_____ _____
Date Parent or Guardian's Signature

_____ _____
Phone Address Zip

****

SOLICITAR COLOCACIÓN

Pedimos que el comité (Admission, Review and Dismissal) de la escuela consideré a

_____ _____, para educación especial
nombre escuela
(___ la clase de ninos con problemas de oír, hablar y de lenguaje y/o ____ otras clases apropiadas. El comité (Admission, Review and Dismissal) revisará todos los estudios y exámenes sobre su nino/a y determinará eligibilidad para colocación en educación especial y recomendará clases apropriadas.

Mi permiso es voluntario y se puede rescindir.

_____ _____
fecha firma de padres o persona legalmente encargada

_____ _____
teléfono domicilio zip

used by the referral committee to determine the appropriate educational placement of the child.

There are four types of information the liaison is responsible for gathering, according to TEA guidelines. (A sample form for gathering this information appears in Appendix 3.1.)

First, the liaison must gather school records such as attendance, grades, test scores, health records, results of vision and hearing screenings, and discipline records. Most, if not all, of this information is usually available from the school principal, who is required to have on hand the records of any child in his/her school.

Second, information regarding the in-school behavior of the child should be obtained from the child's teacher or teacher aide. This should include, but not be limited to, observations of the child in and out of the classroom during instruction, and while interacting with other children.

Third, if the child is suspected of having a handicapping condition, his/her teacher may have tried certain programs or other efforts to overcome the suspected handicap. Those attempts must be documented. The extent to which they have failed or succeeded must be recorded also. This information must be part of that gathered by the educational liaison.

Finally, the liaison should obtain information from the child's parents regarding various aspects of the child's out-of-school behavior. This should include a general history of health and development along with any other information that might be useful in making a decision on the student's

educational placement. This information is best gathered by the liaison, either through a home visit or a parent-teacher conference at the school.

The law requires that all this information be gathered within 30 days after the initial referral was made. At that time, the referral committee must meet to discuss the information gathered by the educational liaison. It is up to the liaison to inform the principal when all information is gathered. Then the principal can schedule the Referral Committee meeting.

SITUATION

Rene's grandmother, who is concerned about his development, calls the school to talk with the principal. The secretary, who speaks Spanish, takes the message and tells the principal about the call when she returns to the office. The principal makes a note of it and places it in Rene's file.

Three weeks later, the principal attends a meeting on the administrator's role regarding P.L. 94-142. She remembers the note about Rene and assigns one of her faculty members to serve as the educational liaison.

The liaison tries to call Rene's parents to inform them the referral has taken place. After several unsuccessful attempts to reach them, he writes down the information and sends it home with Rene to give to his parents.

The liaison then begins gathering information needed for the Referral Committee. He asks several of Rene's classmates if they have observed anything unusual about Rene and records their comments in Rene's file. Because Rene has been in school only a few months, the liaison is unable to find any data regarding Rene's attendance and academic performance. He finds there have been no screenings for sight or hearing. Neither are there any records of programs or strategies that have been tried and failed with Rene.

Two weeks later, in his conversation with Rene's teacher, the liaison learns that the teacher has not noticed anything unusual about Rene's behavior. The teacher simply says Rene is stubborn at times and often will not perform tasks or respond to questions. The liaison records this information in Rene's file.

The liaison then telephone Rene's parents. Because Rene's mother speaks very little English and the

Name: _____

liaison speaks no Spanish, he is unable to understand much of what Rene's mother tells him. However, he records all he can in Rene's file and tells the principal the records will be ready in about three weeks.

QUESTIONS

1. Did the principal follow TEA guidelines in handling Rene's grandmother's request for information? _____

   If not, what did she do wrong? _____

   _____

   _____

   _____

   _____

2. What are the duties and responsibilities of an educational liaison? _____

   _____

   _____

   _____

   _____

3. Did the educational liaison follow TEA guidelines? _____ If not, what should he have done?

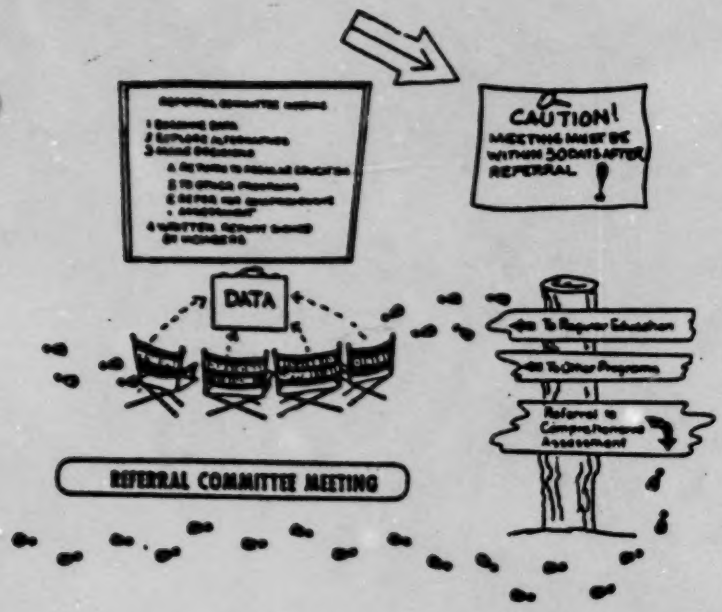
   _____

   _____

   _____

   _____

   _____



REFERRAL COMMITTEE

While the educational liaison is gathering the data and information on the child, the student remains in the regular classroom. The educational liaison collects data from as many of the following sources as possible: 1) the parents; (2) school records; (3) the child's teacher or teacher aides; and (4) any other sources that might be appropriate for the situation.

The next step in TEA's Child Centered Educational Process is a REFERRAL COMMITTEE meeting. This meeting must be held within 30 days after the initial referral is made to the principal. (Because the meeting is held at the child's home school, it is often referred to as a Campus Referral Committee.)

This committee should include:

1. The principal or his/her representative
2. The educational liaison
3. Regular education staff members
4. Any other persons who have knowledge of the range of placement opportunities available and appropriate for the student.

Parents should be notified of the meeting date and place and invited to attend also. This notice should be given either by mail or by home visit and should be in the primary language spoken in the home. (This ensures that due process safeguards are followed.)

At this meeting, the committee examines the information gathered by the educational liaison. They they explore the educational alternatives that exist for the student. In considering the alternatives available to the student, the committee is faced with basically three choices:

1. Leave the child in the regular classroom
2. Use alternative teaching strategies or place the child into alternative programs not previously used
3. Refer the child for COMPREHENSIVE ASSESSMENT

When the first alternative is selected, it implies that no handicapping condition or other condition requiring specialized programs was found. The child remains in the regular classroom and receives no different treatment.

When the second alternative is selected, the child is still not identified as being in need of special education services. It simply implies that although some special treatment is needed, there is no evidence of the presence of a handicapping condition as defined in P.L. 94-142. Certain special programs or special teaching strategies should be used. These may take

place either in the regular classroom or in a separate program designed to meet some special need other than a handicapping condition.

For example, for a child whose behavior is disruptive, a system of rewards may be designed to change that behavior. If the child with language problems is removed from the regular classroom, he/she may be placed into special programs such as bilingual classes/Title I classes.

When the third alternative is selected, it implies a handicapping condition may be present and additional assessment is necessary. The assessment should be comprehensive. That is, it should be wide-ranging and thorough in its attempt to identify exactly what (if anything) is the nature of the child's handicapping condition.

After examining all available data and having considered all alternatives, the Referral Committee makes its decision and writes a summary of the meeting. (Figure 3.4 shows a sample form used to write this summary.) The summary must then be signed by all members present at the meeting. Any member who wishes to make written comments regarding the decision may do so. Copies of the summary are sent to the following:

1. The referral source
2. The child's permanent file
3. The child's Admissions, Review and Dismissal Committee (ARD)

Figure 3.4

SPECIAL EDUCATION DEPARTMENT

REPORT OF CAMPUS REFERRAL COMMITTEE

White-Central Folder
Yellow-Student Folder
Pink-Parent
Goldenrod-Referral Source

NAME:_____ D.O.B.:_____ SEX:_____

REFERRED BY:_____ SCHOOL:_____ GRADE:_____
Name/Position

I. THE FOLLOWING DATA HAS BEEN REVIEWED BY THIS COMMITTEE (CHECK):

___Initial Referral
___Vision and Hearing Screening
___Sociological
___School Profile
___Teacher Evaluation of Pupil Behaviors
___Progress Report
___Other (Specify)_____

II. DELIBERATIONS:

_____

_____

_____

_____

III. ALTERNATIVE PROGRAMS AVAILABLE AND APPLICABILITY (SPECIFY):

_____

_____

_____

_____

IV. RECOMMENDATIONS:

____Further Modification of Regular Program Modification (SPECIFY):_____

_____ Duration:_____

____Referral to an Alternative Program Specify:_____

____Referral for Special Education Individual Assessment with emphasis on _____

_____

DATE:_____

SIGNATURE AND TITLE OF COMMITTEE MEMBERS:

Administrator:_____ Other:_____

Educational Liaison:_____ _____

Parent:_____ _____

SE-06

The ARD Committee will be assembled for the child after the Comprehensive Assessment takes place. This meeting must be held within 30 days after the referral is made.

SITUATION

While Rene's teacher is waiting for the Referral Committee to meet, she has Rene removed from her classroom and placed in a special class for disruptive students. She thinks this might make Rene learn to pay better attention and be more obedient.

When the Referral Committee meeting for Rene is held, the principal is in Las Vegas attending a very important meeting on school discipline, so she asks the Educational Liaison to conduct the meeting for her. Rene's parents could not be contacted by telephone and therefore could not be informed of the meeting. The liaison conducts the meeting during lunch period one day, because it is the only time Rene's teacher is free.

However, the day of the meeting, Rene's teacher is home with the flu. The liaison meets instead with the teacher's aide. The aide tells the liaison what she has observed about Rene. On the basis of the in-

Name: _____

formation he has gathered so far, the Educational Liaison decides Rene should be referred for Comprehensive Assessment. When the principal returns from Las Vegas, the liaison informs her of his decision and she agrees Rene should receive Comprehensive Assessment.

QUESTIONS

1. Was the Referral Committee for Rene conducted according to TEA guidelines? ____ If not, what was done incorrectly? _____

_____

_____

_____

_____

_____

2. What choices did the Educational Liaison have in deciding what should be done about Rene? _____

_____

_____

_____

_____

_____

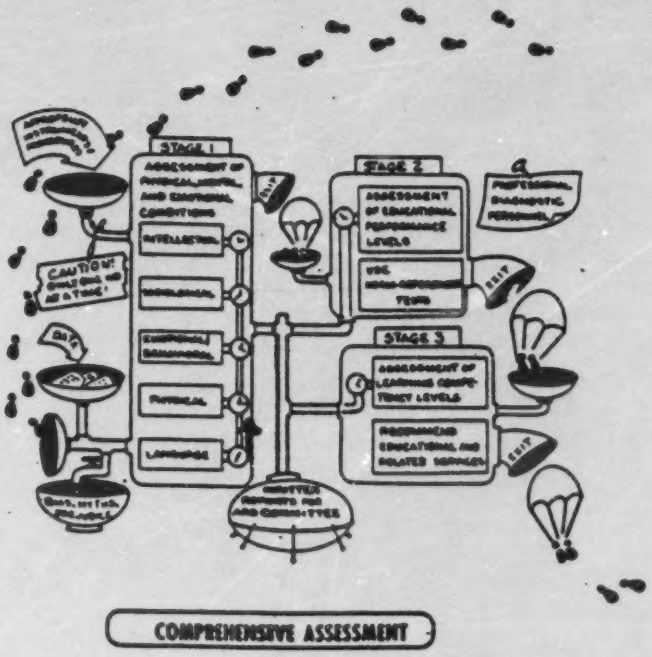
3. What does the choice he made imply about Rene?

_____

_____

_____

_____



COMPREHENSIVE ASSESSMENT

COMPREHENSIVE ASSESSMENT

THE COMPREHENSIVE ASSESSMENT is conducted by an Admissions, Review and Dismissal (ARD) Committee. A different ARD committee is put together for each child referred for Comprehensive Assessment. It cannot proceed without written consent from the parents to do so. If the parents fail to agree to the Comprehensive Assessment, the school may conduct a hearing to determine whether or not the assessment should take place without the parental consent. This would be done only if it could be proven it was in the child's best interest to do so.

During the Comprehensive Assessment, all tests and other assessment procedures must ensure (guarantee) that certain PROCEDURAL SAFEGUARDS are followed. We examined most of the due process and procedural safeguards in Section 2 of Unit II. Those safeguards are ways school personnel guarantee that students' and parents' rights are not violated. Figures 3.5 and 3.6 are samples of forms for notification of referral and notification of parents' rights.

Figure 3.5

SPECIAL EDUCATION DEPARTMENT
NOTIFICATION OF REFERRAL TO SPECIAL EDUCATION

TO THE PARENTS OF: _____ D.O.B. _____

FROM: _____

DATE: _____

The Campus Referral Committee has met to review all data collected on your child. It is the Committee's decision that your child's educational needs will be best met by referral for Special Education Individual Assessment

with emphasis on _____.

REASON REFERRED: _____

_____

All information collected on your child will be available to you for review and/or copying. You may request this information from the school principal.

The Campus Referral Committee decision was to conduct an Individual Assessment to determine the specific educational needs of your child and his/her eligibility for Special Education services. Your signature of approval to conduct such an assessment is required before any assessment instruments will or can be administered. Results of the assessment will be used in developing your child's individual educational program.

The following areas will be assessed using formal and/or informal techniques

Language-to determine dominance and proficiency in both expressive and receptive domains;

Physical-to determine the presence or absence of physical conditions which may affect the student's ability to profit from the educational process;

Emotional/Behavioral-to identify those characteristics manifested in in-school and/or out-of-school behavior which may influence learning;

Sociological-to aid in determining how sociological variables may be influencing learning and behavioral patterns;

Intellectual-to aid in determining the expected potential of the student with assessment to include both verbal ability and/or performance (non-verbal) ability;

Adaptive Behavior-to determine the degree to which the student demonstrates personal independence and social responsibility expected of his age and cultural group both at school and away from school; and

Academic-to determine the student's levels of academic performance and the presence or absence of a severe discrepancy, in order to aid in educatonal planning.

White - Central Folder
Yellow - Parent/Guardian

SE-07-A

Figure 3.6

Re: _____

D.O.B. _____

NOTICE OF PARENTS RIGHTS

If you authorize this district to conduct the above mentioned assessment, it is very important that you be aware of and understand that you have the following rights:

1) To review all records related to the referral for evaluation;
2) To review the procedures and instruments to be used for the evaluation;
3) To refuse to permit the evaluation (in which case this district can request a hearing and try to overule you);
4) To be fully informed of the results of the evaluation;
5) To attend placement and review meetings and participate in the development of your child's individual educational plan;
6) To challenge the contents of your child's Special Education records and/or Individual Education Plan (IEP); and
7) To an impartial hearing if you do not agree with the procedures, assessment, educational plan development, or placement for your child.

I have read and do understand all the above information. I understand that if I have any concerns, I may contact the Department of Special Education o the Campus Principal for further explanation and clarification. I further understand that I have the right to be involved in all levels of identifica tion, assessment, educational planning and development, program implementa- tion, and review of my child.

I have received a copy of the brochure "Parent and Student Rights For A Special Education," developed by the Texas Education Agency, Austin, Texas. This brochure explains my rights and the rights of my child as related to his/her referral to this department. This information is also available on cassette tape and in braille from the Special Education Department upon request.

CHECK ONE:

_____As the parents/guardian of _____, I grant permission for personnel of the _____ Independent School District to conduct the individual assessment as described.

_____As the parents/guardian of _____, I refuse permission for personnel of the _____ Independent School District to conduct the individual assessment as described.

This consent is voluntary and may be revoked by the parents or legal guardian at any time by notifying the Special Education Department.

The above information has been explained to me in English_____Spanish____ Other_____.

_____ _____

Signature of Parent of Guardian Date

White-Central Folder
Yellow-Parent/Guardian

Those rights regarding assessment include being certain that tests and other assessment procedures are:

1. Administered in the child's demonstrated primary or dominant language.
2. "Validated"--proven effective in measuring--for the specific purpose for which they are actually used.
3. Administered by appropriately trained, licensed or certified personnel.
4. Selected and administered in such a way as to guarantee they are actually measuring what they are trying to measure, especially when taking into account the student's suspected handicapping condition.

First Stage of Comprehensive Assessment

The Comprehensive Assessment consists of three main stages. The first stage is the assessment of physical, mental and/or emotional conditions to determine the presence or absence of a disability. Remember, this disability may or may not be an educational handicap for the student. That, too, must be determined in the assessment process.

During this first stage, the student is evaluated in at least five areas:

1. Language development
2. Physical condition
3. Emotional condition and behavior
4. Social background
5. Intellectual abilities

LANGUAGE DEVELOPMENT

The language development evaluation is used to determine the student's primary language and to assess his ability to express himself and be understood by others. If the child's dominant language is not English, the rest of the testing must be done in his dominant language. If he uses two languages and no single language is dominant, tests must be given in both languages. If possible, the person who gives these tests should be able to speak both languages well.

PHYSICAL CONDITION

The second area of evaluation determines if the student has physical problems that affect his education. The health information already collected by the referral committee will usually be enough, but sometimes additional testing is needed. A general medical examination or specific tests are required if the child has a visual handicap, a hearing impairment, a physical handicap or some other health problem that affects his/her ability to learn.

EMOTIONAL CONDITION AND BEHAVIOR

The third area of evaluation explores the emotional feelings of the student and his behavior to see how they affect his learning in school. This assessment may be based on in-school and out-of-school observations, behavior, checklists, adaptive behavior tests and interviews. Information for the emotional/behavioral assessment may be gathered from parents, the student, child, teacher, doctors, psychiatrists or psychologists.

SOCIAL BACKGROUND

The fourth area of evaluation analyzes the student's situation in the family and in his/her community. The purpose of this is to see how his/her relationships with others affect his/her learning behavior. Most of this information comes from parents and other family members, or other interested individuals with first-hand information of the student's social background.

Sometimes, the social evaluation may show the student's educational problems are caused only by a different cultural lifestyle or poor education in the past. When this occurs, the student cannot be placed in special education. Some other form of regular classroom alternative (non-special education) program must be devised for the student.

INTELLECTUAL ABILITIES

The fifth area of evaluation identifies the student's intellectual ability. This should be the last factor assessed because performance in this area should be examined only in the light of what is learned through the other assessments. This area includes tests of the child's intelligence and "adaptive behavior."

Adaptive behavior indicates how the student acts compared with other children of the same age within the same cultural group. Some educationally deprived or disadvantaged children have normal levels of adaptive behavior, but low intelligence test scores. These children are not really mentally retarded, and education services appropriate for retarded youngsters may not be the right services for them. If there is a great differ-

ence between the intelligence test score and the adaptive behavior level, further testing is usually needed to determine the cause of the difference.

All the assessment procedures used in Stage 1 assist the ARD Committee to determine whether or not the child has a handicapping condition that may cause an educational handicap.

If the child is very young or severely handicapped, it may not be possible to follow standard procedures in assessing his special needs. If this happens, the person conducting the test must explain in the report why standard procedures were not followed.

The Second Stage of Assessment

The purpose of the second stage of assessment is to find out how well the student is doing academically, to determine if the child is behind other students in the school district who are the same age. This includes tests to measure how well the student is performing in reading, mathematics and spelling. The written report should detail at least three things:

- Any problems the student has with school subjects and skills
- How far behind he/she is compared to other children of the same age and grade level
- The reasons he/she may be having problems in school

This report may suggest that the student does not need special education but may need some kind of special academic assistance in school. In any case, the purpose of this second stage of assessment is to determine whether or not educational performance levels are affected by any handicapping conditions identified in Stage 1.

The Third Stage of Assessment

The third stage of the Comprehensive Assessment consists of identifying the student's specific learning competencies or abilities. This assessment should include physical education needs and--where appropriate--vocational education needs, as well as academic needs. The purpose of this final level of assessment is to provide the ARD committee with recommendations for specific educational and related services. These would then serve to compensate (make up) for any handicapping condition identified in Stage 1 and help correct the educational deficits identified in Stage 2 of the assessment process.

SITUATION

During the next two months, more information is gathered about Rene. Numerous tests are administered and referrals are made to various school district and non-district personnel.

First, a sociological profile of Rene is constructed, based on conversations with Rene's teacher and some of his classmates. The parents, too, are able to help with this. When they come to school to answer questions about Rene, they bring someone who can help translate the English they have difficulty understanding.

It is learned that Rene is the third of four children in the Alba family and that he doesn't like to play much with his three sisters or with the children in the neighborhood. He is a very well-behaved boy who chooses to keep to himself most of the time. However, his parents report that when he was younger, he used to play with other children much more actively and seemed much happier, too.

Next, Rene's grades were examined to see how he is doing in school. Because this is his first year of school, there are only a few indications of how well he is performing academically. From what can be learned, Rene appears to be doing very poorly in vocabulary, word recognition and phonics, but is fairly good with numbers and basic math concepts.

Next, Rene's language proficiency is determined; that is, it is determined in which language Rene was better at both speaking and understanding. After observing Rene in the classroom and discussing the matter with Rene's teacher, it is determined that,

although he can speak little English or Spanish, he can understand English better than Spanish. No interpreter was provided, therefore, and the rest of the assessment is conducted in English.

Next, it is determined that Rene's intellectual functioning--as measured by certain adaptive behaviors --is generally typical of students his age in school. However, Rene's teacher insists that Rene would occasionally disobey orders given him and often fails to follow simple directions other students have no difficulty carrying out.

Finally, the school nurse is asked to give Rene sight and hearing screening tests. The nurse determines that Rene's sight is well within the normal range, but his hearing is not. Using the pure tone assessment technique, the nurse discovers a total hearing loss in one ear and moderate loss (60 decibels) in the other ear. She recommends an audiologist (hearing specialist) perform further tests. Knowing that the school district must provide for such tests, the school's principal arranged for Rene to be tested by a licensed audiologist.

The audiologist tests Rene using the bone-conduction technique and finds him to be well within the normal range of hearing. He notes the discrepancy (difference) between the two tests given (the "air-bone gap") and recommends that Rene be examined

by a doctor specializing in hearing loss (otologist) to confirm his suspicion that Rene has otitis media and to determine whether the condition is acute or chronic. Otitis media is a hearing impairment caused by damage to the middle ear. There are many ways in which it may occur and the condition may be temporary (acute) or on-going (chronic).

Before seeing Rene, the otologist requests records on the child's previous health and physical development from the family's doctor. When the otologist receives the records, she notices Rene has been treated many times for ear infections accompanied by high fevers. After she examines Rene, she concludes the audiologist's suspicion of otitis media is correct and that the condition could be chronic. She recommends a medical follow-up and possible surgery to insert tubes into Rene's ears and also recommends that Rene return to the audiologist to be tested and fitted with a hearing aid. She also recommends that Rene receive speech-language therapy, including auditory training.

This information, together with all the other information gathered in the Comprehensive Assessment process, is forwarded to the ARD Committee. Because the principal is busy preparing for basic skills testing at the school, the meeting with everyone is not scheduled until May.

Name: _____

QUESTIONS

1. In what order does the TEA say the ARD Committee should conduct first-stage assessments for a child referred to it? _____

2. Did Rene's Comprehensive Assessment follow those guidelines? _____ If not, what was done incorrectly? _____

3. When Rene was assessed, what signs were there in the areas of language development, behavior and medical history that pointed to a probable diagnosis of his handicapping condition?

ADMISSION, REVIEW AND DISMISSAL (ARD) COMMITTEE

Each school district or educational cooperative in the state of Texas must establish at least one ADMISSION, REVIEW, AND DISMISSAL (ARD) COMMITTEE. Most school districts have many ARD Committees. Each one is put together to examine the date and information gathered for a particular child suspected of having a handicapping condition. The ARD Committee is composed of at least one member from each of the following areas:

- Administration
- Instruction
- Special education
- Assessment
- Educational liaison
- Parents
- Any other person who might help the committee reach an appropriate decision regarding the student's educational plan

The student also may be present if it is appropriate.

The ARD Committee is responsible for reviewing all available data on a student. This includes a careful screening to be sure that students are not being considered for special education services if the only deficiencies identified can be attributed to something other than a handicapping condition.

This would indicate such things as:

1. The student's lack of command of the English language
2. A different cultural life-style
3. The lack of prior educational opportunities
4. A failure to achieve during previous educational experiences

If a student is found to have only these characteristics and possess no other evidence of a handicapping condition, he/she would not be eligible for special education services. On the other hand, if it is determined the student does have a handicapping condition AND that the handicapping condition interferes with the student's ability to succeed in school, then he/she is judged to be eligible for special education services. When the student is found to be eligible for special education services, the ARD Committee is then responsible for developing for that student an INDIVIDUALIZED EDUCATIONAL PLAN. The process for developing this plan includes numerous steps and involves many people. The remainder of the duties of the ARD Committee in this regard are explained in the following section on the Individualized Education Plan.

SITUATION

When the ARD Committee meeting is held in late May, the school's principal is attending a district-wide meeting on a computerized system of record-keeping. She asks the Educational Liaison to preside over the meeting in her absence. The Liaison is joined at the meeting by Rene's teacher and the district's director of special education. Rene's parents cannot attend the meeting because it is held at 10 a.m. and they are both at work at that time.

The Educational Liaison reads the results of the Comprehensive Assessment to the committee. This includes the social profile, intellectual functioning level and physical examination findings. A letter from the ear specialist is read also. In it, the doctor explains in detail exactly what she has found to be the problem with Rene's middle ears and the resulting loss of hearing. She stresses that although the hearing loss might continue to worsen, for the time being Rene can probably function at a near-normal level with the aid of an amplification device and some additional speech-language therapy.

Rene's teacher insists, however, that even if Rene could hear at a near-normal level, his presence in the classroom would serve as a major distraction to

the other children in the class. She thinks Rene's bizarre speech patterns and his wearing of a hearing aid would be too disruptive and make it difficult to teach the "normal kiddos."

The Educational Liaison reminds the group of Rene's social profile, which indicates he doesn't socialize much with the children in his class and that, according to his teacher, he is frequently disobedient and withdrawn. He also reminds the group they have an entire Individual Education Plan to develop on Rene and that time is slipping away quickly.

Rene's teacher suggests that because Rene doesn't belong in her class and because he would probably be happier around other children more like he is, perhaps they should recommend he attend a special school for the hearing impaired. That way, she adds, the other school will have to worry about the IEP.

The district's director of special education agrees with the idea in principle. He warns, however, that the parents' due process rights have to be protected. In addition, he says, the school where they would send Rene would have to meet state accreditation requirements.

No one else had anything to say, so the proceedings of the meeting were written up and submitted to the school's secretary to be typed up the following week. The Liaison volunteers were to call Rene's par-

Name: _____

ents and inform them of the committee's decision to transfer Rene to a school for the hearing impaired in the next county. There they will finish developing Rene's Individualized Education Plan.

QUESTIONS

1. Who was missing from Rene's ARD Committee who should have been there according to TEA guideline? _____

_____

_____

_____

_____

2. From what you have learned about laws requiring students with handicapping conditions be placed in the least restrictive environment, do you think the ARD's recommendation for Rene was appropriate? _____ Why or why not? _____

_____

_____

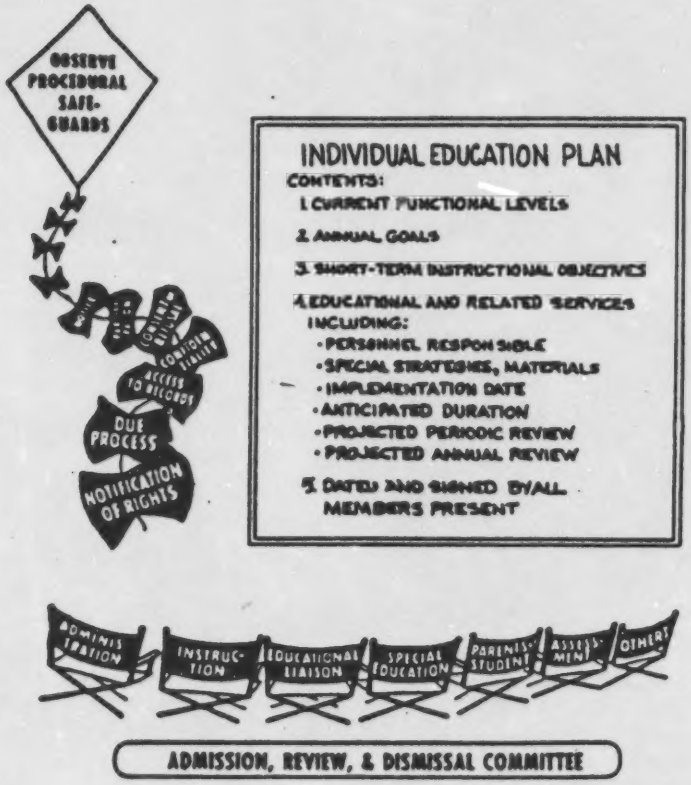
_____

_____

_____

LEARNING EXPERIENCE 3

Individualized Education Plan



INTRODUCTION

Parents of handicapped children have a right to participate in developing their child's INDIVIDUALIZED EDUCATION PLAN. The school must give parents written notice about the ARD/IEP meeting early enough so they can get ready for the meeting and be able to attend. This notice must include (1) the purpose, (2) the time, (3) the place, and (4) a list of persons who will attend. (See the sample of an ARD Notice in Figure 3.7.) If the parents want to attend, but the date, time and location are not convenient for them, the school must schedule the meeting at a time and place that is agreeable to all parties.

When the ARD Committee writes the Individualized Education Plan, it must decide what services the student needs in order to benefit from the educational program. This naturally leads to the questions: What is education? How does one demonstrate that a child's needs are educational?

Figure 3.7

SPECIAL EDUCATION DEPARTMENT

White-Parent/Guardian
Yellow-Central Folder

NOTIFICATION OF ARD

SCHOOL: _____ DATE: _____

TO THE PARENTS OF: _____ D.O.B.: _____

The evaluation of your child _____ has been completed as described in previous communications and/or correspondence. All papers relevant to the evaluation, including the actual results of each assessment, are available for you to review. Copies of all school reports, files, and records pertaining to your child are available to you upon request.

The Admission, Review, and Dismissal Committee will meet on _____ (Date) at _____ (Time) at _____ (Location) to review all available data on your child. In reviewing this information, the Committee will be meeting to: 1) determine if he/she meets state eligibility criteria for placement in special education; 2) to develop the individual educational plan.

You are a very important part of the planning, development and implementation process for your child. For that reason, I would like for you to be present at this meeting. If this date and/or time is not convenient, please contact me as soon as possible so that other arrangements can be made.

Please sign and return this letter so that we will be able to properly prepare for this very important meeting.

Sincerely,

_____

(Check Appropriate Line)

_____ I will be able to attend the ARD meeting as scheduled in this letter.

_____ I will not be able to attend the ARD meeting as scheduled in this letter, but you may proceed with the understanding that I will be notified as to the results.

_____ I will not be able to attend the ARD meeting as scheduled. Please contact me at your earliest convenience regarding another time and/or date for this meeting.

Convenient times/date for me: _____

_____ _____

Signature Date

The question of what makes up a child's basic education has been asked and answered in different ways throughout history. For your purposes, the answer to the questions are provided both by the experts in the field of special education and some recent federal court decisions.

First, education for a handicapped child is more than just academics (reading, writing, arithmetic, etc.). One important purpose of education is to help children grow up to be able to live and work and be responsible citizens in the community. For children who are not handicapped, academics might be enough to achieve that purpose.

But for a handicapped child, more help might be needed in order to adequately prepare him/her to function as an adult in society. For example, an emotionally disturbed child might need a lot of help with his behavior toward others in order to be able to live as independently as possible when he grows up. A physically handicapped child might need physical therapy to enhance his ability to live independently.

Second, education must be individualized. This means that what is an appropriate education for one child is not necessarily an appropriate education for another child. One child's special education needs may even be different from those of another child with the same handicap. It is important to make sure that each child's <u>individual</u> education plan is based solely on his/her educational needs.

CONTENTS OF THE IEP

The Admissions, Review and Dismissal Committee has the responsibility of planning this individualized educational program. The plan must include the following elements:

- The student's current levels of functioning
- Annual goals
- Short-term instructional objectives
- Educational and related service statements
- Committee members' signatures

(Appendix 3.1 contains a copy of a sample IEP. Refer to it after you have read the following pages on the contents of the IEP.)

Current Levels of Functioning

According to TEA guidelines, the IEP must include the student's current level of functioning in a number of areas. These include (1) academic content areas, (2) physical abilities, (3) demonstrated behaviors, and (4) demonstrated skills. All these areas should be described in terms of the student's strengths, weaknesses and educational needs.

Academic content areas include such subjects as mathematics, reading, writing, etc. If the student is functioning at a preacademic level, there must be a statement regarding the child's developmental skills, such as gross motor, fine motor, language functioning and language ability.

There also must be a statement regarding the child's physical abilities. Included in this would be any physical disabilities that the child has shown. However, the physical disabilities would be important in this regard only if they would affect the child's participation in either instructional settings or the physical education programs.

The ways in which the child behaves both inside and out of the classroom may have an important impact on the development of an appropriate IEP. The child's demonstrated behaviors may well determine what educational setting will be most effective for him/her.

Finally, the types of skills the student has demonstrated must be documented. This is particularly important for older students, where such skills may be required for entry into various training programs.

Annual Goals

The IEP must contain a statement of annual goals for the student. These goals are broad statements of what the most important objectives are for the student to try to achieve in the current program year. These goals would include such statements as, "The student will improve fine motor skills" or "The student will improve his reading ability."

Clearly, these are very broad statements. But when arranged in order of importance, the teacher can determine which annual goal will receive the highest priority in working with the student.

SITUATION

When the Educational Liaison calls Rene's parents to tell them what the ARD Committee decided, they are very upset. Rene's father says it will be too difficult for them to arrange for Rene to go to school so far away.

The next day Rene's father calls the school secretary, who speaks Spanish, and tells her he has read the Parents' Rights Notice that was sent to them earlier. That notice, which was written in Spanish, says they have the right to attend the review meeting and he asks why it was held without them. He says he does not want Rene sent to another school and wants to talk to the principal about it.

The secretary tells the principal about the call. She speaks to the Liaison and reminds him Rene cannot be sent to the school for the hearing impaired without his parents' signature on the ARD Committee report. They decide to call another meeting, this time including Rene's parents and the school's special education teacher. The school secretary offers to attend the meeting as an interpreter.

Although Rene's teacher still does not think he should remain in her class, the special education teacher says she thinks he could stay there for part of the day and work with her part of the time. She

says she could help him with his speech and language and try to improve his function in those areas. She reminds the group that, according to the guidelines for P.L. 94-142, Rene is required to be placed in the least restrictive environment. She says she thinks he should have a chance to show what he can do with the medical remedies recommended and some special education help.

The committee agrees to let Rene remain in her classroom through the end of the school year. In developing his IEP, the committee reviews the previously gathered information on Rene's academic performance, his physical abilities and his demonstrated behaviors and skills. Rene's teacher says the annual goals set for him should include being more obedient and playing with the other children. To this, the special education teacher adds "the student will improve his speech and language ability."

Because the time allotted for the meeting has run out, the committee agrees to meet again in two days to work on the short-term instructional objectives. They agree to send a copy of these objectives to Rene's parents for their approval. The special education teacher encourages them to ask questions about any part of the procedures they don't understand.

Name: _____

QUESTIONS

1. Pretend you are Rene's parents. Why do you want another meeting to talk about Rene's placement?

_____

_____

_____

_____

_____

2. List the five things that must be included in an Individualized Education Plan. _____

_____

_____

_____

_____

_____

3. Name the four areas of current level of functioning that must be considered in writing an IEP.

_____

_____

_____

_____

_____

Which area(s) was most important to Rene's teacher? _____

_____

Which was most important to the special education teacher? _____

SHORT-TERM INSTRUCTIONAL OBJECTIVES/BEHAVIORAL OBJECTIVES

After deciding on the broad annual goals for an individual child, the ARD Committee must decide how those goals should be met. This is done by developing short-term instructional objectives, sometimes called behavioral objectives. These are measurable steps designed to help the teacher help the child achieve the annual goals. The instructional goals are much more specific than the broadly stated annual goals. The short-term objectives must be measurable, that is, they must be described in behavioral terms.

Behavioral, when used in this way, has nothing to do with whether a child "behaves" well or not. It means the objectives will require a child to demonstrate one thing or another in a way that is observable and measurable. A goal is said to be "behavioral" if it can be observed by someone trained to do so or if it can be measured in some way to ensure it has been satisfactorily performed at a specified level. Some examples of poorly written behavioral objectives are:

- This year we will work on Carlos' math
- In order to improve Carlos' math, we will work with him much more closely
- By the end of the first semester, Carlos will improve in his ability to perform single-column addition problems

Although each of these last two statements is somewhat better than the one(s) before them, none of these statements are adequately stated behavioral objectives because they are too general. A correctly stated behavioral objective must contain all of the following:

- The specific behavior to be observed or performed
- The minimum satisfactory level at which the behavior should be performed
- The time frame within which the behavior must be demonstrated
- The conditions under which the behavior must be performed
- The person responsible for carrying out the objectives

In the example of Carlos, neither the first or second statements contain any of those elements. The third does specify the specific behavior to be performed (single-column addition) and the time frame (by the end of the semester), but it does not give the minimum requirement for successful demonstration of the behavior nor the conditions or person responsible for working with Carlos.

Look at the sample IEP form in the Appendix. There you will see a method for writing out instructional objectives and keeping track of progress toward the objective. In the large space under "Objectives," an appropriately written objective for Carlos might read, "Carlos will be able to correctly respond to

80 percent of the items on a test of single column addition problems." "Eighty percent" would be listed under "Accuracy" and under "Duration" the committee might put "May 15" or "End of semester." To complete the form, the person responsible, such as Carlos' teacher or a special education teacher, would be listed. A record of the date when the activities begin, when they end and when they are reviewed are entered as the activity progresses.

Well-developed short-term objective plans can be a major means of helping a child learn a desired skill in the shortest possible time. When the desired behavior is clearly established, the teacher or caregiver is able to choose the appropriate methods and materials for the child's instructional program. In addition, the objectives record on the IEP becomes a tool for measuring progress and communicating with parents.

Writing The Objectives

The words used in describing or measuring are important in writing behavioral objectives. Words such as "know, understand, believe, enjoy" are not helpful because they represent what is happening "inside" a person, not what can be observed. Short-term objectives should be written with words such as "define, explain, name, choose, identify, count, match."

Special conditions of performances are often written into the objectives for children with handicapping conditions. For example, an objective for Robert, who has cerebral palsy, might read, "While wearing his braces, Robert will walk 10 feet without support."

USE STRONG VERBS

Count	Write	Select
Distinguish	Describe	Compare
Draw	Explain	Detect
Duplicate	List	Identify
Remove	Repeat	Isolate
Copy	Choose	Match
Define	Classify	Name

WRITING BEHAVIORAL OBJECTIVES

AVOID WEAK VERBS

Know

Understand

Believe

Develop

Listen

Appreciate

Enjoy

In measuring the performance, a teacher may use two different standards--ABSOLUTE MASTERY and RELATIVE MASTERY. Absolute mastery is measured by how much content is learned. In this category are basic skills that precede further learning and skills that can be learned separately and in a specified sequence. For example, counting is a skill that must be mastered before a child can begin to add and subtract. The goals for these skills should be set high because other learning depends on how well they are accomplished.

Relative mastery is measured against how well others in a similar age or grade-level group perform in more complex achievements that call for applying understanding and thinking skills. For instance, a child may be able to count and recognize numbers but be slow in learning to tell time, a skill that requires a more complex development of math concepts.

The measurement of acceptable performance for each objective may be done in several ways:

1. Within a specific time limit
2. With a minimum of correct responses
3. With a percentage of correct responses
4. With a description of the desired performance ("Jane will eat a bowl of jello cubes, using her special spoon, without dropping any in her lap.")

Remembering that a short-term objective should be stated in behavioral terms, with a standard of performance and a time frame, pretend you are a member of Rene's ARD Committee and write four short-term objectives for him. Use the chart on the next pages to outline the objectives in the spaces on the top then write out the objectives in sentence form in the spaces on the bottom.

Here is an example of an objective Rene's teacher might write for him:

Specific Performance	Time Frame	Condition	Standard
Follow simple directions	*Within two minutes*	*With hearing aid*	*At least 90% of the time*

While wearing his hearing aid, Rene will follow simple directions, such as "bring the box of scissors from the cabinet," within two minutes of the time he was asked, at least 90 percent of the time."

Name: _____

OBJECTIVES → CRITERION

Specific Performance	Time Frame	Condition	Standard
1.			
2.			
1.			
2.			

Name: _____

OBJECTIVES → CRITERION

Specific Performance	Time Frame	Condition	Standard
3.			
4.			

3.

4.

In addition to the items you have just listed on the chart, several other things should be included in writing behavior objectives. Look at the sample IEP in the appendix. Notice what else should be recorded when writing goals and objectives. One of the most important items is who will be responsible for carrying out the objectives. This may be the child's regular teacher, a therapist, a special education teacher or a teacher aide.

The date when the work will begin, an estimate of how long it will take to complete and the date it is finished are recorded also. Setting goals in specific time frames helps the person working with the child pace the program to meet those goals. In addition, having all this information available is helpful in evaluating the child's progress and in planning the next step in his/her educational program.

Also important in planning is the identification of the instructional materials that will be used. In choosing those materials, the ARD Committee should consider the best way of presenting information to the particular student, taking into acount (1) the child's preferred learning style, (2) what kinds of materials have been most successful with him/her in the past, and (3) the preferences and competencies of the person who will be working with the child. Although there are many commercially produced instructional materials available, they often are designed for a special group of students and may need to be modified to meet the needs of an individual child.

Now you are ready to fill in Rene's IEP chart in the appendix. First you will have to fill in the Annual Goals. Look back over the situations you read and decide what long-term goals would be appropriate for Rene. What would you want his special education help to accomplish?

Next, fill in Rene's IEP chart from the information you wrote in practicing writing short-term objectives. Write the sentence objectives in the spaces at the left, then fill in dates and persons responsible, etc., to complete the chart.

EDUCATIONAL AND RELATED SERVIVES STATEMENTS

So far, you have learned that the Individualized Educational Plan (IEP) must include the student's current functioning levels and both long- and short-term instructional objectives. Additionally, the IEP must identify the specific educational and related services that the student is to receive. Those educational services--whether regular and/or special education--should note:

1. The persons responsible for delivering the service
2. The special materials, methods and techniques to be used
3. The dates on which services are to begin and end
4. The projected dates for periodic reviews of IEP: (A) every three months, (B) at least once a year, and (C) every three years

Periodic Reviews

The THREE-MONTH REVIEW may be informal, with or without the parents present. It is intended primarily as a review of educational progress to date in order to assure that the goals and objectives previously identified are still appropriate. Some objectives may be altered but any major changes in the IEP must be approved by the full ARD Committee.

The ANNUAL REVIEW should be conducted formally by the ARD Committee in order to examine progress made during the last year. Parents and all other committee members should be present. The THREE-YEAR REVIEW comprehensively reviews the student's continued eligibility for special education.

When all the contents of the IEP have been developed and written, the IEP must be dated and signed by all committee members. The signatures do not necessarily mean the persons agree with the IEP that has been developed. Signing the IEP only means the person is aware of its contents, regardless of whether or not he/she agrees with it.

If a person disagrees with any part of the IEP, he/she may say so and attach a written statement of disagreement to the IEP. At least a majority of the committee members, however, must agree with the IEP in order for it to be approved and in compliance with the TEA guidelines.

LEAST RESTRICTIVE ENVIRONMENT

When a student has been identified as being eligible for special education services, the ARD Committee must decide on the setting in which the student is to receive these and other

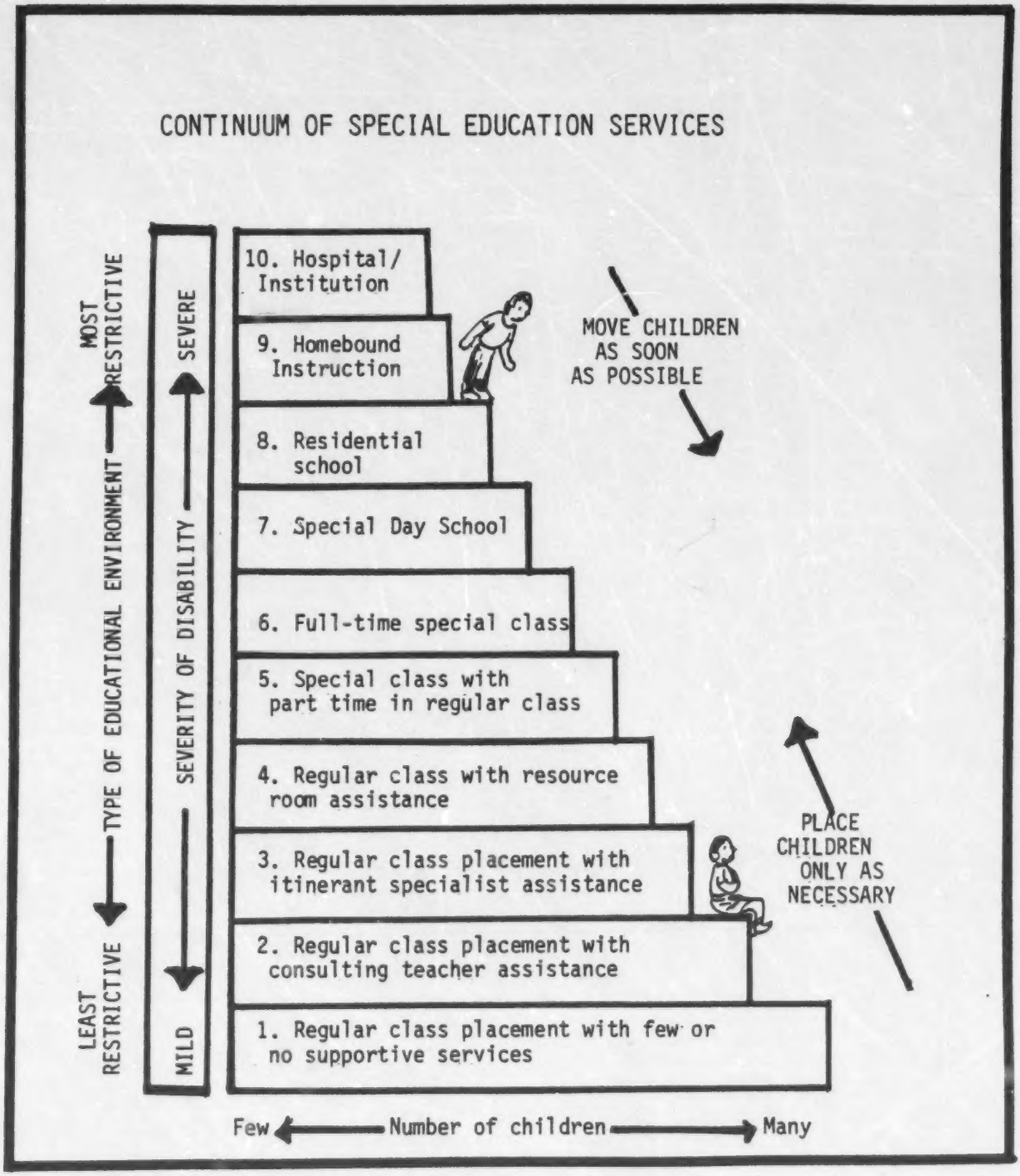
related services. There is a variety of placement settings available to the student. The ARD Committee must choose from those, selecting the setting or environment that is the "least restrictive." The possibilities range from placement in the regular classroom in the school nearest the student (the least restrictive) to placement in a residential institution out of state (the most restrictive). The range of placement alternatives from least restrictive to most restrictive appears in Figure 3.8.

Notice that, in general, the more severe the disability, the more restrictive the type of educational environment will be. The two arrows to the right of the figure contain two principles that should always be followed when placing children into special education programs.

First, the child should be placed in the more restrictive environment or placement settings only as necessary. Second, even after a child is placed in a relatively restrictive environment, his placement should be reviewed frequently in order to ensure that the child will be moved to a less restrictive environment as soon as possible.

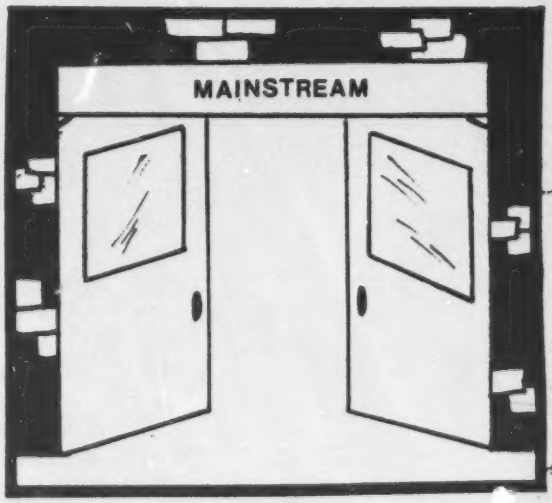
The primary consideration in selecting the least restrictive environment or setting for the student is the handicapping condition(s) that have been identified through the Comprehensive Assessment process. If there is a choice of more than one alternative placement, each equally appropriate for the student, the setting closest to the student's home is the more appropriate selection.

Figure 3.8


CONTINUUM OF SPECIAL EDUCATION SERVICES
MOST RESTRICTIVE
TYPE OF EDUCATIONAL ENVIRONMENT
LEAST RESTRICTIVE
SEVERE
SEVERITY OF DISABILITY
MILD
10. Hospital/ Institution
9. Homebound Instruction
8. Residential school
7. Special Day School
6. Full-time special class
5. Special class with part time in regular class
4. Regular class with resource room assistance
3. Regular class placement with itinerant specialist assistance
2. Regular class placement with consulting teacher assistance
1. Regular class placement with few or no supportive services
MOVE CHILDREN AS SOON AS POSSIBLE
PLACE CHILDREN ONLY AS NECESSARY
Few
Number of children
Many

The concept of "least restrictive environment" is sometimes referred to as MAINSTREAMING. In fact, many people use the two terms interchangeably, as if the one necessarily means the other. Mainstreaming refers to the process whereby a student who otherwise might be separated from his/her classmates because of some handicapping condition, is instead placed in the regular classroom--the mainstream of education. P.L. 94-142 does not mandate or in any sense require mainstreaming. It requires placement of the student with special needs in the least restrictive environment or setting appropriate for him/her, which may or may not be the regular classroom. This depends on the type and severity of the handicapping condition any given student may have.

The distinction between the two terms is important because of the controversy that has arisen as a result of confusion surrounding the two terms. Many parents and school officials have misinterpreted the requirements of P.L. 94-142 and mistakenly concluded that all children with handicapping conditions were to be placed in the regular "mainstream" classroom. On the contrary, placement into the regular classroom is required only when it has been determined, through the process of Comprehensive Assessment, that such placement is the most appropriate for the individual student.



LEARNING EXPERIENCE 4

Individualized Instruction

According to TEA's Policies and Administrative Procedures for the Education of the Handicapped, INDIVIDUALIZED INSTRUCTION must be the day-to-day method of instruction used to reach the objectives spelled out in the IEP. All of the following elements should be present in a program of individualized instruction:

1. Specific instructional objectives based on student needs as stated in the Individualized Education Plan. For Sara, a 5-year-old slow learner, these might be "matching and naming colors."
2. Learning activities appropriate to each student's learning style, presented specifically and in the proper sequence to enable the student to progress toward the objective. In the case of Sara, this might be done by working on two colors at a time. The first activities might be sorting blocks into red and blue boxes, putting markers into an egg tray or identifying red and blue squares when the teacher holds them up.

   Next she would learn four colors by pointing to red, blue, yellow and green blocks and playing color lotto with red, blue, yellow and green circles. Finally, she would be taught to identify six colors (adding black and white) by naming the color of clothes and matching colors on a bingo card.

3. Instructional media and materials used for each learning activity, selected on the basis of the student's learning style. For example, because Sara was only 5 years old, the materials used for her activities were geared to familiar objects she could play with and use again each day.
4. An instructional setting that provides multiple arrangements for learning. Sara's teacher selected several methods for each step in helping Sara learn her colors, giving her an opportunity to succeed in different activities.
5. A schedule of personnel time that assures the instruction will be provided to the student either individually or in group arrangements. Sara's teacher was careful to plan activities for her that could be fit into the class schedule, with time for individual work with Sara, either by the teacher or teacher aide.
6. Procedures by which the teaching personnel measure, record and report each student's progress. Sara's teacher used a form to keep a record of Sara's progress, checking off each goal as the skill was mastered.

(Texas Education Agency, 1979, p.40, and Texas Department of Human Resources, 1979, p.15)

Remember, there must be an individualized program of instruction for each child identified as eligible for special education services. Additionally, written proof must exist that

Name: _____

the program each child receives contains each of the six elements listed above.

Using not more than four words for each answer, pick out from the six descriptions the elements that must be present in an individualized program of instruction.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

In your own words, explain the purpose of individualized instruction.

_____

_____

_____

_____

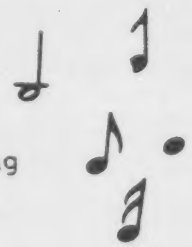
_____

LEARNING EXPERIENCE 5

Related Services

In the discussion of the IEP, we mentioned the term "related services." This relates to providing the handicapped child the equal educational opportunity afforded him/her under the law. Related services are not educational in themselves. Rather, they enhance or improve the educational process. The full range of related services is quite broad and may include any number of services, as long as the IEP specifies (1) why they are needed, (2) who will be providing them, (3) for how long a period of time, and (4) what the anticipated benefits are to the student. Among services that might be provided for a handicapped child are:

1. Art therapy
2. Audiological services
3. Counseling services
4. Drama therapy
5. Occupational therapy
6. Medical diagnostic services
7. Music therapy
8. Orientation and mobility training
9. Physical therapy
10. Psychological services



11. Recreation therapy
12. School health services
13. Social work services
14. Special transporation
15. Speech therapy
16. Vision training
17. Provision of adaptive equipment
18. Other related services (subject to written approval from the Texas Education Agency)

Note that, in spite of how long the list already is, these are not all the related services for which handicaped students may be qualified. The last one in the list provides for any other service to be offered as long as it can satisfy the four requirements cited at the head of the list.

In the following chart, write on the left side four handicapping conditions. On the right side, write three related services (from the list above) that might be recommended for a child with that handicapping condition. Follow the example on the first line.

EXAMPLE Cerebral Palsy	1. Physical therapy 2. Adaptive equipment 3. Special transportation
	1. _____ 2. _____ 3. _____
	1. _____ 2. _____ 3. _____
	1. _____ 2. _____ 3. _____
	1. _____ 2. _____ 3. _____

Summary

This unit has presented the various steps in the Child Centered Educational Process, as required by law and implemented through Texas Education Agency (TEA) policies and procedures. These policies and procedures established by TEA were written in accordance with P.L. 94-142---The Education of All Handicapped Children Act of 1975.

The five main points of the Child Centered Educational Process covered in this unit included:

- Child Identification
- Individual Assessment
- Individualized Education Plan
- Individualized Instruction
- Related Services

The chart in Figure 3.9 illustrates the numerous steps that must be followed in carrying out the Child Centered Educational Process. A number of sample letters and forms were included in this unit also to give you some idea of the paperwork necessary to carry out the Child Centered Educational Process efficiently.

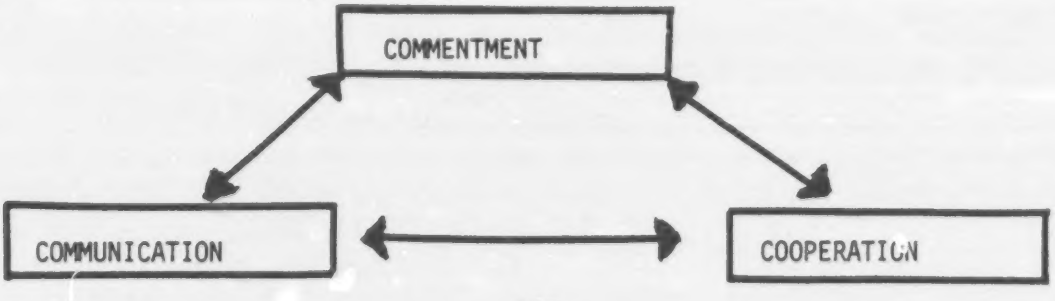
This process is intended to govern the procedures used by school districts or educational cooperatives in educating children with handicapping conditions. The policies and procedures

and exact terms described above are not necessarily applicable to non-public schools, certain state institutions or certain other settings in which you might find yourself working as a paraprofessional. In the state school for the deaf, for instance, the procedures are the same but the terminology used in the process differs somewhat from that explained here. For example, rather than having an Individualized Educational Plan, children there have an Individualized Developmental Plan (IDP).

In most educational settings, however, the Child Centered Educational Process as described in this unit should be in effect. The process is described in detail in the "Policies and Administrative Procedures Manual" published by the Texas Education Agency's Department of Special Education. This manual furnishes all the basic "hardware" that might be needed to implement the Child Centered Educational Process as prescribed by law.

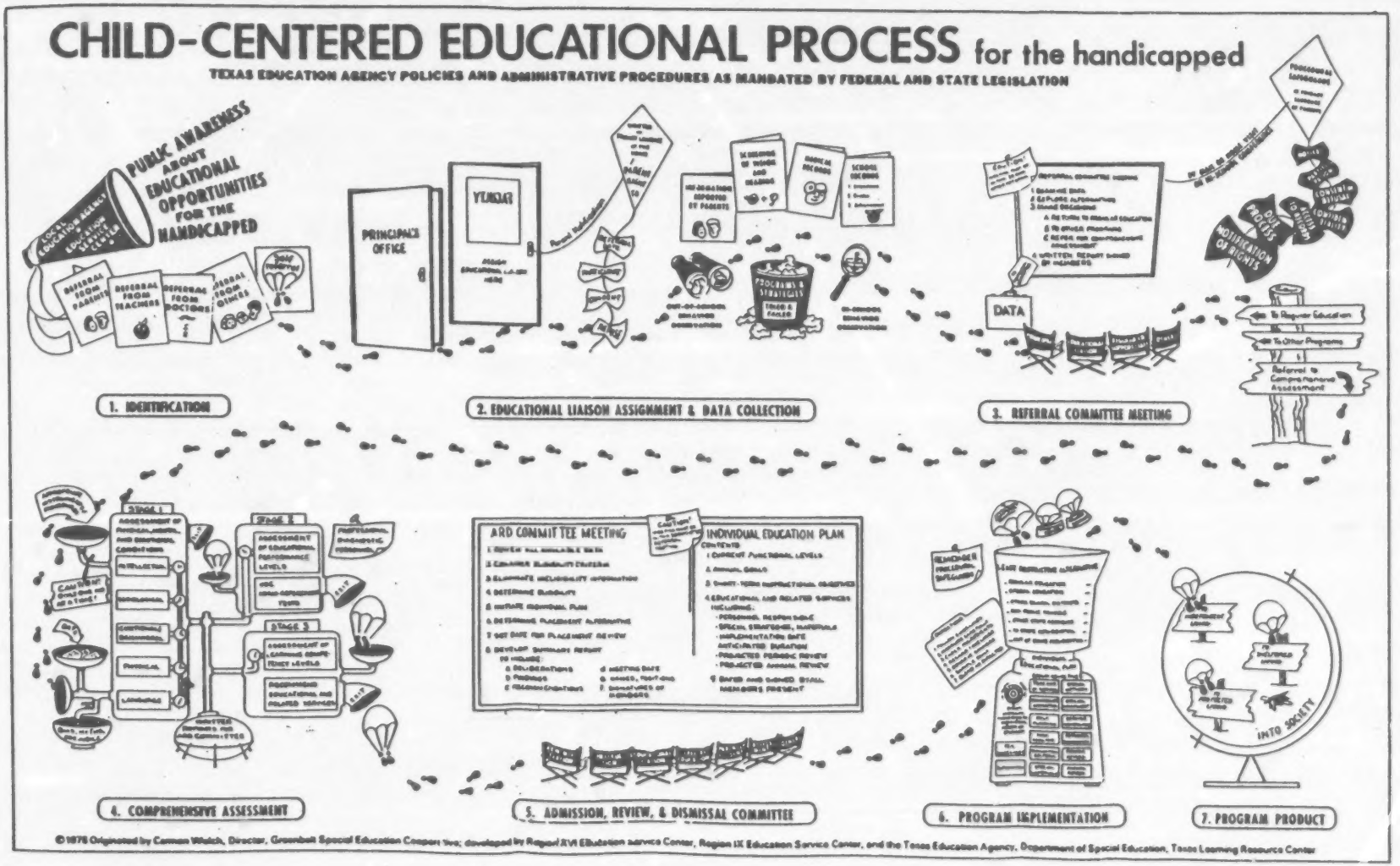
However, what makes the process truly effective is certain "software" components. Among these essentials are such things as good teachers and paraprofessionals, adequate supplies, materials and facilities.

The most important of all the "software" components, however, are the three Cs:



No matter how well the policies and procedures are known, they will not benefit the children if there is not a sense of commitment to care-giving on the part of everyone involved in the process. Out of this sense of commitment to the child will come a spirit of cooperation among teachers, parents and support persons. This spirit of cooperation, in turn, will open the doors for effective communication among all parties. Good communication among all parties will then reinforce the commitment to meeting the needs of children with handicapping conditions.

Commitment, cooperation and communication among all persons concerned are esential if the Child Centered Educational Process is to be more than a handful of rules and regulations. It takes the "software" elements to drive the heavy machinery of the law.


CHILD-CENTERED EDUCATIONAL PROCESS for the handicapped
TEXAS EDUCATION AGENCY POLICIES AND ADMINISTRATIVE PROCEDURES AS MANDATED BY FEDERAL AND STATE LEGISLATION
PUBLIC AWARENESS ABOUT EDUCATIONAL OPPORTUNITIES FOR THE HANDICAPPED
PRINCIPAL'S OFFICE
YEARBOOK
DATA
1. IDENTIFICATION
2. EDUCATIONAL LIAISON ASSIGNMENT & DATA COLLECTION
3. REFERRAL COMMITTEE MEETING
4. COMPREHENSIVE ASSESSMENT
ARD COMMITTEE MEETING
INDIVIDUAL EDUCATION PLAN
5. ADMISSION, REVIEW, & DISMISSAL COMMITTEE
6. PROGRAM IMPLEMENTATION
7. PROGRAM PRODUCT
INTO SOCIETY
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APPENDIX 3.1

CHILD-CENTERED EDUCATIONAL PROCESS REFERRAL

PORTANT: State Law now requires the following information be collected on any student referred for possible special education intervention in the student's educational process. The following information must be completed before this referral will be processed and eligibility for services determined. (Section 16-104, Texas Education Code, Section 11.33(c), Texas Education Code, Education of the Handicapped Act, 20 U.S. Code, Section 1401-1420).

I. IDENTIFYING INFORMATION

Referral Source_____ School_____ Grade_____ Present Date_____

Student's Name_____ Birthdate:_____ Ethnic Origin_____

Parent's Name_____ Address:_____

Date Student Enrolled

Phone Home_____ Business_____ In School_____

Referral Source *Principal

Signature_____ Signature_____

*Signature indicates awareness only, not accuracy of information

II. SCHOOL PROFILE

(Note: For questions a-g the student's cumulative record should yield most of the required information).

1. a) Attendance:

	Good	Poor	Fair	Number of Days Absent
Previous School Year	____	____	____	_____
Current School Year	____	____	____	_____

b) Grades:

	Previous Year	Present Year
Language	_____	_____
Reading	_____	_____
Social Studies	_____	_____
Math	_____	_____
Science	_____	_____
Health Education	_____	_____
Other:		
_____	_____	_____
_____	_____	_____
_____	_____	_____

c) Has this student been advanced (____Yes/No____) retained (__Yes/No_____) When_____

d) If this is a primary student (grades 1-3), did the student attend kindergarten? Yes____ No_____

e) Does this student's present academic performance appear to be consistent with previous academic performance? Yes_____ No_____

f) Achievement Data: Record and list all specific achievement tests, scores and dates administered below:

		Result/Scores				
Name of Test:	Date	Math	Reading	Language	Spelling	Other

g) List all mental ability (I.Q.) tests administered:

Name of Test	Date	Result

2. VISION/HEARING DOCUMENTATION (Cumulative card or school nurse)

Hearing: Passed_____ Referred_____ Dates_____

Vision: Passed_____ Referred_____ Dates_____

Results and finding of follow-up_____

_____

II. INSTRUCTIONAL INFORMATION

(NOTE: IT IS THE RESPONSIBILITY OF THE REFERRAL SOURCE TO INITIALLY CONTACT THE PARENTS AN NOTIFY THEM OF YOUR INTENT TO REFER. IF THIS HAS NOT BEEN DONE THE REFERRAL WILL NOT BE PROCESSED)

3. Have you discussed this referral and student's work with the parents? Yes_____ No_____
Parents' general reaction and comments:_____

_____

4. Current Education Program: (CHECK ALL THAT APPLY) Regular_____Title I Reading and/or Math_____) Billingual_____ Speech_____Vocational Education_____
Counseling_____ Other_____

5. If alternative programs or services have been tried for this student list below:

Program	Date	Results/Outcome

6a. Teacher Rating Scales for Establishing Learning Style Deviation:

1) READ all four styles -
2) NEXT choose the one that best describes the student -
3) THEN underline those behaviors that apply and rank those behaviors -
4) CIRCLE the total number of students in your class on each scale.
5) NEXT rank the referred student as he/she compares to the others in the class on the appropriate learning style scale or scales. 1 represents the lowest point on the scale. The number circled as your total students will represent the highest point on each scale.

Style A - Behavioral Observations Characteristics

Cannot get job done unless others are immediately available to help him ---Oblivious to what is going on in the classroom ---Becomes confused and disoriented easily ---Misinterprets simple statements ---Gives answers which show initiative ---Shows signs or nervousness (nail biting, crying, tics, rocking) ---Generally unresponsive, hard to get to know ---Upset by change in routine ---Rigidly adheres to rules.

Style A:

2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33

Style B - (Behavioral Observations Characteristics)

Negativistic: "I won't" ---Acts defiant, will not do what is asked ---Lacks tolerance for task he does not enjoy ---Tends toward temper tantrums and wild destruction ---Asserts independence in a negative manner ---Anti-social tendencies (steals, lies, destroys property, bullies, defies, resents discipline ---Speaks disrespectfully to teachers ---Prone to blame teacher or external circumstances when things don't go well ---Makes derogatory remarks about the subject being taught ---Breaks classroom rules, destructive.

Style B

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33

Style C - (Behavioral Observations Characteristics)

Tries too hard -- Wants to show off or impress others ---Overly sensitive to criticism or correction ---Worries about pleasing others ---Frequently seeks teacher's contact and approval ---Excessivley competitive and jealous ---Tries to out do classmates by producing more quanity ---Outwardly nervous during tests ---Fearful of failure ---Friendly rather than distant in relationship with teacher.

Style C

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33

Style D (Behavioral Observations Characteristics)

Tells stories or describes things in an interesting fashion ---Is open to new ideas --Shows persistence in attacking problems ---Thinks creatively in new situations ---Able to apply what he has learned to a new situation ---Can constructively assert himself --Shows initiative in bringing things which relate to classwork ---Is flexible ---Likely to know the material when called upon to recite in class ---Shows respect for teacher but can stand on own two feet.

Style D

2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33

6b. Please describe any additional information or data that you feel is important that has not been covered above: _____

_____

_____

7. Additional comments from other sources (other professionals, etc.) _____

_____

_____

8. Use this space to make any additional comments that you feel that the referral committee might be able to use in making an appropriate decision regarding this student: _____

_____

_____

9. Attach examples of student work (when applicable) to this referral.

10. What do you expect to be achieved by this referral and why do you feel this student should be referred for possible special education intervention?

_____

_____

IV. PARENT

11) Please describe the out-of-school behaviors as reported by the student's parents:

_____

_____

_____

12) General Health History:

a) Has the child had any serious illnesses or injuries? Yes_____No_____

b) Is the child presently taking medication? Yes___No___Name of drug_____

c) Any type of vision problem? Yes_____ No_____Does the student wear glasses Yes_____No_____

d) Any type of hearing problems? Yes_____No_____

e) Any emotional problems: Yes_____No_____Describe:_____

_____

_____

_____

_____

f) Any chronic illness such as: Asthma_____: Coughs_____: Fatigue_____

Sinus_____: Allergies_____: Ear Aches_____: Motor Handicapps_____

Others:_____

13) General Home Environment:

a) Are parents living_____together:_____separated:_____divorced:_____

_____deceased:

b) Total number living in the home:_____

c) Are both parents employed: Yes_____No_____ Where: Father:_____

Mother:_____

SPECIAL EDUCATION OFFICE USE ONLY

1) Referral Committee Decision: A) Return to regular education_____
B) Refer to other program(s) _____
C) Refer to Individual Assessment_____

2) Log Date_____ 3) Completion Date_____ARD

3) Educational Liaison_____

COMMITTEE PURPOSE:

ADMISSION _____

REVIEW _____

DISMISSAL _____

SPECIAL [illegible] DEPARTMENT

ADMISSION, REVIEW . . MISSAL COMMITTEE REPORT
INDIVIDUAL [illegible] CATION PLAN

White-Central Fol [illegible]
Yellow-Teach[illegible]
Pink-Parent

PAGE 1 OF ____

STUDENT _____ D.O.B. _____ GRADE _____ SEX _____

ETHNICITY _____ SCHOOL: _____ DATE _____

DATA REVIEWED (SPECIFY EXAMINER AND REPORT DATE): COMPREHENSIVE ASSESSMENT _____; MEDICAL _____; SPEECH EVAL. _____

OT EVAL. _____; PT EVAL. _____; PSYCHOLOGICAL EVAL _____; OTHER (SPECIFY) _____

DELIBERATIONS: (Documentation to include alternatives reviewed, any additional services discussed, and additional recommendatic of individual Committee members, including parent(s))

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Appendix 3.2

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ARD/IEP____ _____(CONTINUED) GE____OF____

STUDENT:_____ D.O.b:_____ SCHOOL:_____

HANDICAPPING CONDITION: PRIMARY_____ SECONDARY_____ LANGUAGE DOMINANCE_____

INSTRUCTIONAL PLACEMENT AND AMOUNT OF TIME_____

PROJECTED STARTING DATE_____ PROJECTED DURATION_____

RATIONAL FOR PLACEMENT_____

RELATED SERVICES AND OTHER RECOMMENDATIONS:

Service	Amount of Time	Justification	Projected Starting Date	Projected Duration

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Appendix 3.2 (con't.)

ASSURANCES:

This meeting was conducted in: Spanish_____ English_____ Other (Specify)_____

The committee ensures that this student is not being assigned to special education on the basis of criteria which were developed solely on the command of the English language: _____YES _____NO

The committee ensures that this student is not being placed in special education if the only deficiencies identified are directly attributable to:

A. A different cultural life style _____YES _____NO

B. Not having had educational opportunities. _____YES _____NO

C. Not having achieved from previous educational experiences _____YES _____NO

ARD/IEP _____ (CONTINUED) PAGE ___ OF ___

STUDENT: _____ D.O.B: _____ SCHOOL: _____

SUMMARY OF PRESENT PERFORMANCE:

1. ACADEMIC/DEVELOPMENTAL SKILLS: _____

3. PHYSICAL ABILITIES/DISABILITIES: _____

2. BEHAVIORS: _____

4. (PRE) VOCATIONAL COMPETENCIES: _____

PRIORITIZED ANNUAL GOALS: _____

EACH COMMITTEE MEMBER MUST SIGN THIS REPORT (WHICH INCLUDES _____ PAGES) AND INDICATE BY CHECKING THE APPROPRIATE BLANK WHETHER THEY AGREE OR DISAGREE WITH THE COMMITTEE DECISIONS. IF DISAGREEMENT IS EXPRESSED, FORM SE-23 SHOULD BE COMPLETED BY THE DISSENTING MEMBER(S). IT IS FURTHER UNDERSTOOD THAT ENABLING OBJECTIVES DEVELOPED ON FORM SE-20-D MAY BE MODIFIED ON AN ON-GOING BASIS BY INDIVIDUAL IMPLEMENTORS BASED UPON STUDENT NEEDS.

	AGREE	DISAGREE		AGREE	DISAGREE
ADMINISTRATION: _____			OTHER: _____		
ASSESSMENT: _____			OTHER: _____		
INSTRUCTION-REGULAR: _____			OTHER: _____		
INSTRUCTION-SPECIAL: _____			OTHER: _____		
PARENT: _____			OTHER: _____		
STUDENT (IF APPLICABLE) _____			OTHER: _____		

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** I WAS UNABLE TO ATTEND THIS MEETING BUT THIS INFORMATION HAS BEEN FULLY EXPLAINED TO ME. I _____ AGREE _____ DISAGREE WITH THE

ARD/IEP _____ (CONTINUED)
DATE

STUDENT: _____ D.O.B.: _____ SCHOOL: _____

ANNUAL GOAL(S): _____

OBJECTIVES (STATED TO INCLUDE EVALUATION CRITERIA)	ACCURACY	OBJECTIVE DURATION	PERSON RESPONSIBLE	DATE BEGUN	DATE COMPLETED	REVISED	COMMENTS

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Appendix 3.2 (con't.)

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Goldenrod-Parent
Pink-Central Folder Upon Initiation

Retain Teacher Folder
to Central Folder Upon Completion

SE-20-D

Appendix 3.3

REFERENCES

Blackhurst, A.E., & Berdine, W.H. (Eds.) An introduction to special education. Boston: Little, Brown and Company, 1981.

Texas Department of Human Resources. When you care for handicapped children. Austin: Author, 1979.

Texas Education Agency, Department of Special Education. Policies and administrative procedures for the education of handicapped students. Austin: Author, 1979.